

7-7-86
Vol. 51 No. 129
Pages 24507-24640

Monday
July 7, 1986

Federal Register

Briefings on How To Use the Federal Register—

For information on briefings in Washington, DC, Seattle, WA,
and San Francisco, CA, see announcement on the inside cover
of this issue.



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for \$300.00 per year, or \$150.00 for 6 months, payable in advance. The charge for individual copies is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

- WHEN:** July 11; at 9 am.
- WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
- RESERVATIONS:** Abram Primus 202-523-3419
Ina Masters 202-523-3419

SEATTLE, WA

- WHEN:** July 22; at 1:30 pm.
- WHERE:** North Auditorium,
Fourth Floor, Federal Building,
915 2nd Avenue, Seattle, WA.
- RESERVATIONS:** Call the Portland Federal Information Center on the following local numbers:
- | | |
|----------|--------------|
| Seattle | 206-442-0570 |
| Tacoma | 206-383-5230 |
| Portland | 503-221-2222 |

SAN FRANCISCO, CA

- WHEN:** July 24; at 1:30 pm.
- WHERE:** Room 2007, Federal Building,
450 Golden Gate Avenue,
San Francisco, CA.
- RESERVATIONS:** Call the San Francisco Federal Information Center, 415-556-6600

Contents

Federal Register

Vol. 51, No. 129

Monday, July 7, 1986

Advisory Committee on Federal Pay

See Federal Pay, Advisory Committee

Agriculture Department

See Animal and Plant Health Inspection Service; Federal Grain Inspection Service

Air Force Department

NOTICES

Procurement:

Contracts—

Conversion determinations, 24571

Animal and Plant Health Inspection Service

RULES

Overtime services relating to imports and exports:
Commuted traveltime allowances, 24511

Army Department

See also Engineers Corps

NOTICES

Environmental statements; availability, etc.:

Unitary chemical stockpile in continental United States,
24571

Coast Guard

RULES

Regattas and marine parades:
Night in Venice, 24528

Commerce Department

See Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service

Customs Service

PROPOSED RULES

Customs duties:

Drawback, claimants under same condition; exemption,
24536

Warehouses, etc.; administration of duty-free stores, 24535

Defense Department

See Air Force Department; Army Department; Engineers Corps

Drug Enforcement Administration

NOTICES

Schedules of controlled substances; production quotas:

Schedules I and II—

1986 aggregate, 24589, 24590

(2 documents)

Applications, hearings, determinations, etc.:

Burks, Charles J., M.D., 24589

Economic Development Administration

RULES

Economic development and public works and development facilities programs, and designation of eligible areas:

Designation requirements, supplemental grant rates, etc.,
24512Relocation assistance and real property acquisition policies,
24516

Employment and Training Administration

NOTICES

Labor surplus area classifications:

Minimum population criteria, 24591

Employment Standards Administration

NOTICES

Minimum wages for Federal and federally-assisted construction; general wage determination decisions,
24591

Energy Department

See also Energy Research Office; Federal Energy Regulatory Commission

NOTICES

Grant awards:

Georgia Tech Research Corp., 24573

Energy Research Office

NOTICES

Meetings:

Energy Research Advisory Board, 24579

Engineers Corps

NOTICES

Environmental statements; availability, etc.:

Lakes Maurepas and Pontchartrain, LA, 24572

Vermillion Bay et al., LA, 24572

Environmental Protection Agency

RULES

Air pollution control; new motor vehicles and engines:

Gasoline lead content; certification and test procedures;
technical amendments and corrections, 24606

PROPOSED RULES

Air pollution control; new motor vehicles and engines:

Gasoline lead content; certification and test procedures,
24614

Hazardous waste program authorizations:

Georgia, 24549

Toxic substances:

Significant new uses—

Methyl n-butyl ketone, 24551

Polybrominated biphenyls and tris (2,3-dibromopropyl)
phosphate, 24555

NOTICES

Waste management, solid:

Guidance document, availability, 24579

Equal Employment Opportunity Commission

NOTICES

Meetings; Sunshine Act, 24604

Executive Office of the President

See Trade Representative, Office of United States

Federal Aviation Administration

RULES

Transition areas, 24516

Federal Energy Regulatory Commission**NOTICES**

Electric rate and corporate regulation filings:

Arizona Public Service Co. et al., 24575

Unitil Power Corp. et al., 24576

Natural gas companies:

Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 24577

Natural Gas Policy Act:

Pipeline decontrol; waivers, rehearings, clarifications, etc., 24577

Applications, hearings, determinations, etc.:

ANR Pipeline Co. et al., 24573

Lawrenceburg Gas Transmission Corp., 24574

Natural Gas Pipeline Co. of America, 24574

Southern Natural Gas Co., 24575

(2 documents)

Federal Grain Inspection Service**PROPOSED RULES**

Grain standards:

Insect infestation, 24532

NOTICES

Meetings:

Advisory Committee, 24563

Federal Home Loan Bank Board**NOTICES**

Meetings; Sunshine Act, 24604

Receiver appointments:

Citizens Home Savings Co., 24579

State Savings & Loan Co., 24580

Applications, hearings, determinations, etc.:

First Federal Savings Bank of Connecticut, FSB, 24580

Federal Pay, Advisory Committee**NOTICES**

Meetings, 24563

Federal Reserve System**NOTICES**

Applications, hearings, determinations, etc.:

Excel Bancorp, Inc., et al., 24580

Indiana National Corp., 24580

James Madison Ltd.; correction, 24581

Midland Bank, PLC; correction, 24581

Ohio Bancorp et al., 24581

Union Bankshares Ltd., 24582

Financial Management Service

See Fiscal Service

Fiscal Service**NOTICES**

Interest rates:

Renegotiation Board and prompt payment rates, 24603

Fish and Wildlife Service**PROPOSED RULES**

Importation, exportation, and transportation of wildlife:

Marking of containers or packages, 24559

Food and Drug Administration**RULES**

Animal drugs, feeds, and related products:

Naproxen granules, naproxen for injection, 24524

Color additives:

FD&C Yellow No. 5; identity and specifications for use in food and ingested drugs, 24517

FD&C Yellow No. 5; permanent listing for use in cosmetics and externally applied drugs, 24519

NOTICES

Medical devices; premarket approval:

Bausch & Lomb SENSITIVE EYES Lens Lubricant, 24583

COBAS BACT Automated Susceptibility Testing System, 24585

Gambro Fiber Plasmafilter PP, 24584

NOVACOL Textured Collagen Hemostatic Agent, 24583

Neurotoxicity and behavioral dysfunction; report availability, 24582

Health and Human Services Department

See also Food and Drug Administration; Human Development Services Office

NOTICES

Agency information collection activities under OMB review, 24582

Housing and Urban Development Department**NOTICES**

Organization, functions, and authority delegations:

Regional offices, etc.; order of succession—Chicago, 24586

Human Development Services Office**NOTICES**

Grants; availability, etc.:

Child abuse and neglect, national information and resource clearinghouse, 24620

Immigration and Naturalization Service**PROPOSED RULES**

Nonimmigrants; documentary requirements; waivers, etc.:

Temporary alien employment (intracompany transferees, etc.), 24533

Indian Affairs Bureau**NOTICES**

Environmental statements; availability, etc.:

Tohono O'Odham (Papago) Indian Reservation, AZ, 24586

Interior Department

See Fish and Wildlife Service; Indian Affairs Bureau; Land

Management Bureau; Reclamation Bureau; Surface

Mining Reclamation and Enforcement Office

Internal Revenue Service**NOTICES**

Tax counseling for the elderly program; application packages; availability, 24603

International Trade Administration**PROPOSED RULES**

Export licensing:

Foreign products containing parts, components, and materials of U.S. origin, 24533

NOTICES

Antidumping:

Stainless steel cooking ware from—

Korea, 24563

Taiwan, 24566

Cheese, quota; foreign government subsidies:

Quarterly update, 24569

Countervailing duties:

Softwood lumber products from Canada, 24568

Export privileges, actions affecting:

Malsom, Donald, 24569

Winkler, Michael M., et al., 24569

Meetings:

President's Export Council, 24571

Trade adjustment assistance reports:

Electric shaver industry, 24570

Interstate Commerce Commission**NOTICES**

Agency information collection activities under OMB review, 24588

Water carrier applications:

Cross-Sound Ferry Services, Inc., et al., 24588

Justice Department*See also* Drug Enforcement Administration; Immigration and Naturalization Service**NOTICES**

Pollution control; consent judgments:

Witco Corp., 24589

Labor Department*See* Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration**Land Management Bureau****NOTICES****Airport leases:**

Nevada, 24587

Realty actions; sales, leases, etc.:

Arizona, 24587

Oklahoma, 24587, 24588

(2 documents)

Withdrawal and reservation of lands:

Washington, 24588

Mine Safety and Health Administration**NOTICES****Safety standard petitions:**

White County Coal Corp., 24592

National Credit Union Administration**NOTICES**

Meetings; Sunshine Act, 24604

National Oceanic and Atmospheric Administration**PROPOSED RULES****Transportation of fish or wildlife:**

Marking of containers or packages, 24559

National Technical Information Service**NOTICES****Patent licenses, exclusive:**

Wisconsin Alumni Research Foundation, 24571

Nuclear Regulatory Commission**NOTICES***Applications, hearings, determinations, etc.:*

Southern California Edison Co. et al., 24593

Occupational Safety and Health Administration**RULES**

Authority citations; technical amendments, 24525

NOTICES**Meetings:**

Occupational Safety and Health Federal Advisory Council, 24593

Office of United States Trade Representative*See* Trade Representative, Office of United States**Pension Benefit Guaranty Corporation****PROPOSED RULES****Multiemployer plans:**

Powers and duties of plan sponsor of plan terminated by mass withdrawal; administration, 24536

Postal Rate Commission**RULES****Practice and procedure rules:**

Reporting and recordkeeping requirements, 24529

Presidential Documents**PROCLAMATIONS***Special observances:*

Immigrants Day, National (Proc. 5510), 24509

Let Freedom Ring Day (Proc. 5509), 24507

Public Health Service*See* Food and Drug Administration**Railroad Retirement Board****NOTICES**

Agency information collection activities under OMB review, 24600

Reclamation Bureau**RULES**Boulder Canyon Project; power generation, operation, maintenance, and replacement
Correction, 24531**Securities and Exchange Commission****NOTICES**

Self-regulatory organizations; unlisted trading privileges:

Midwest Stock Exchange, Inc., 24601

Applications, hearings, determinations, etc.:

JIB I Ltd. Partnership et al., 24601

State Department**NOTICES****Meetings:**

Soviet and Eastern European Studies Advisory Committee, 24602

Surface Mining Reclamation and Enforcement Office**PROPOSED RULES**

Coal mining and reclamation operations, bonding and insurance requirements:

Performance bonding; rulemaking petition, 24547

Trade Representative, Office of United States**NOTICES****Generalized System of Preferences:**

Articles eligible for duty-free treatment, etc. (sodium bromide from Israel), 24600

Transportation Department*See* Coast Guard; Federal Aviation Administration**Treasury Department***See* Customs Service; Fiscal Service; Internal Revenue Service

NOTICES

NOTICES
Environmental statements; availability, etc.:
Allen Park, MI, 24603

Separate Parts In This Issue

Part II

Part II
Environmental Protection Agency, 24606

Part III

Part III
Department of Health and Human Services, Office of
Human Development Services, 24620

Reader Aids

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR		81	24519
Proclamations:		82 (2 documents)	24517, 24519
5509.....	24507	520.....	24524
5510.....	24509	522.....	24524
7 CFR			
354.....	24511	29 CFR	
Proposed Rules:		Ch. XVII.....	24525
810.....	24532	Proposed Rules:	
		2670.....	24536
8 CFR		2675.....	24536
Proposed Rules:			
212.....	24533	30 CFR	
214.....	24533	Proposed Rules:	
		800.....	24547
13 CFR			
302.....	24512	33 CFR	
304.....	24512	100.....	24528
305.....	24512		
310.....	24516	39 CFR	
14 CFR		3001.....	24529
71.....	24516	40 CFR	
		86.....	24606
15 CFR		Proposed Rules:	
Proposed Rules:		86.....	24614
376.....	24533	271.....	24549
385.....	24533	721 (2 documents).....	24551, 24555
19 CFR		43 CFR	
Proposed Rules:		431.....	24531
19.....	24535		
144.....	24535	50 CFR	
191.....	24536	Proposed Rules:	
		14.....	24559
21 CFR		246.....	24559
74 (2 documents).....	24517, 24519		

Presidential Documents

Title 3—

The President

Proclamation 5509 of July 2, 1986

Let Freedom Ring Day, 1986

By the President of the United States of America

A Proclamation

For centuries, great occasions have been marked by the ringing of bells. When America's Independence was proclaimed in Philadelphia more than two centuries ago, the Liberty Bell announced the glad news—those joyful and triumphant words of Leviticus graven on the bell itself:

"Proclaim liberty throughout the land, unto all the inhabitants thereof."

On July 3, the eve of the 210th anniversary of the signing of the Declaration of Independence, the torch of the newly restored Statue of Liberty in New York Harbor will be lit again. Its radiant beams held high above the dark waters will once again signal freedom's light and freedom's welcome.

What could be more fitting than to celebrate this moment with the joyful clamor of bells. Let every spire and belfry in the land ring out the glad tidings of liberty once again. Let every American rejoice in the blessings of freedom as they hear the jubilant music of carillons carried on the night air. As the golden glow of the Statue of Liberty's rekindled torch calls forth the pealing of thousands of bells in every city, village, and hamlet throughout our land, let every American take it as a summons to rededication, recalling those words we sang as children:

"Our father's God, to Thee,
Author of Liberty,
To Thee we sing,
Long may our land be bright
With Freedom's Holy Light.
Protect us by Thy might,
Great God, Our King."

The Congress, by House Joint Resolution 664, has designated July 3, 1986, as "Let Freedom Ring Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 3, 1986, as Let Freedom Ring Day, and I encourage the people of the United States to ring bells immediately following the relighting of the torch of the Statue of Liberty, which is scheduled to occur at approximately 10:53 p.m. Eastern Daylight Time on that day. I call upon all Americans to remember how fortunate we are as a people and on this day and each day to follow to open your hearts to those who may one day share in the joy and satisfaction that freedom brings.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of July, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-15370

Filed 7-3-86; 10:19 am]

Billing code 3195-01-M

Presidential Documents

Proclamation 5510 of July 2, 1986

National Immigrants Day, 1986

By the President of the United States of America

A Proclamation

Since 1820, more than 52 million immigrants have come to the United States from all over the world. They have sought and found a new and better life for themselves and their children in this land of liberty and opportunity. The magnet that draws them is freedom and the beacon that guides them is hope. America offers liberty for all, encourages hope for betterment, and nurtures great expectations. In this free land a person can realize his dreams—going as far as talent and drive can carry him. In return America asks each of us to do our best, to work hard, to respect the law, to cherish human rights, and to strive for the common good.

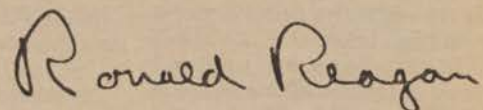
The immigrants who have so enriched America include people from every race, creed, and ethnic background. Yet all have been drawn here by shared values and a deep love of freedom. Most brought with them few material goods. But with their hearts and minds and toil they have contributed mightily to the building of this great Nation and endowed us with the riches of their achievements. Their spirit continues to nourish our own love of freedom and opportunity.

For more than three centuries, a human tide of men, women, and children have become new Americans. They have brought to us strength and moral fiber developed in civilizations centuries old, but fired anew by the dream of a better life in America. They have brought to us in this young country the treasure of a hundred ancient cultures. Their dreams gave them the courage to strike out for themselves, to leave behind familiar scenes, to part with friends and relatives, and to start a new life in a new land. The record of their success in every field of human endeavor is one of our proudest boasts. They have helped to make us the great Nation we are today.

The Congress, by Senate Joint Resolution 290, has designated July 4, 1986, as "National Immigrants Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 4, 1986, as National Immigrants Day, and I call upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of July, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.



THE HISTORY OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

OF THE

By J. H. P. [Signature]

Rules and Regulations

Federal Register

Vol. 51, No. 129

Monday, July 7, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 86-315]

7 CFR Part 354

Commuted Traveltime Periods

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 7 CFR Part 354 which prescribe commuted traveltime allowances. The regulations are amended by adding or changing commuted traveltime periods in Connecticut, Hawaii, Massachusetts, Mississippi, New Hampshire, Oklahoma, Pennsylvania, and Puerto Rico. Commuted traveltime periods reflect, the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is required solely on account of such overtime or holiday duty. The regulations are also amended by deleting commuted traveltime periods in Connecticut, Mississippi, New Hampshire, Oklahoma, and Pennsylvania where PPQ employees are no longer available to perform such services.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Eggert, Director, National Administrative Planning Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 614, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7250.

SUPPLEMENTARY INFORMATION: Background

The regulations in 7 CFR Part 354, entitled "Overtime Services Relating to Imports and Exports" (referred to below as the regulations), set forth provisions for obtaining, on a reimbursable basis, inspection, laboratory testing, certification, or quarantine services pertaining to the importation and exportation of plants, plant products, animals, animal products, or other commodities, during Sundays, holidays, or at other times outside the regular tour of duty of Plant Protection and Quarantine (PPQ) employees who perform such services. These services are provided upon request to any person, firm, or corporation having ownership, custody, or control of the animals or commodities requiring such services.

The regulations provide that under certain circumstances the charges for reimbursable services of a PPQ employee shall include charges for a commuted traveltime period. Section 354.2 of the regulations contains administrative instructions prescribing commuted traveltime periods. Traveltime periods reflect, as nearly as is practicable, the average time required for a PPQ employee to travel from the location from which an employee is dispatched and return from the location where they perform overtime or holiday duty.

This document amends § 354.2 of the regulations by adding or changing commuted traveltime periods in Connecticut, Hawaii, Massachusetts, Mississippi, New Hampshire, Oklahoma, Pennsylvania, and Puerto Rico to cover the time necessarily spent in reporting to and returning from the place at which an employee performs such services. (The amendments are set forth in the rule portion of this document). This action is necessary to inform the public that PPQ employees are available to perform overtime or holiday duty and to inform the public of the commuted traveltime periods for such travel.

This document also amends § 354.2 of the regulations by deleting commuted traveltime periods in Connecticut, Mississippi, New Hampshire, Oklahoma, and Pennsylvania. (The amendments are set forth in the rule portion of this document). This action is necessary to inform the public that PPQ employees are no longer available to perform such services.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The amount of articles and commodities requiring inspection and other services of a PPQ employee on a Sunday, holiday, or overtime basis at the affected locations represent an insignificant portion of the total amount of articles and commodities that require such services at locations in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Effective Date

The commuted traveltime periods appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this rule are impracticable and contrary to the public interest; and good cause is found for making this rule effective less than 30

days after publication of this document in the Federal Register.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR 3015, Subpart V)

List of Subjects in 7 CFR Part 354

Agricultural Commodities,
Government Employees, Imports, Plants
(Agriculture), Quarantine,
Transportation.

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Under the circumstances described above, 7 CFR Part 354 is amended as follows:

1. The authority citations for Part 354 is revised to read as follows:

Authority: 7 U.S.C. 2260, 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by adding in alphabetical order or removing the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Out-side
Delete:			
Connecticut:			
Bradley Field,	Boston, MA		6
Windsor Locks.			
Bradley Field,	Warwick, RI		6
Windsor Locks.			
Bradley International		1	
Airport, Windsor			
Locks.			
Bradley International	Hadley, MA		2
Airport, Windsor			
Locks.			
Groton (including	Wallington		4
New London).			
Windsor Locks.	Groton		4
Windsor Locks.	Wallingford.		3
Massachusetts:			
New Bedford		2	
Woodshole	New Bedford		4
Mississippi:			
Gulfport	Pascagoula		2
Keesler Air Force	Pascagoula		2
Base.			
Pascagoula		1	
Port Bienville	Pascagoula		3
New Hampshire:			
Keene Airport, Keene	Canaan		4
Portsmouth	Manchester		3

COMMUTED TRAVELTIME ALLOWANCES— Continued

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Out-side
Undesignated ports	Manchester, NH and Rouses Point, NY.		3
Oklahoma:			
Muskogee		1	
Port of Catoosa	Muskogee		3
Port of Catoosa	Oklahoma City		6
Port of Muskogee	Oklahoma City		6
Port of Verdigris	Oklahoma City		6
Tulsa International	Muskogee		3
Airport.			
Pennsylvania:			
Allentown-Bethlehem	Moosic		5
Easton Airport.			
Allentown-Bethlehem	Allentown	2	
Easton Airport.			
Harrisburg	Allentown		4
International Airport.			
Harrisburg	Moosic		6
International Airport.			
Harrisburg	University Park		5
International Airport.			
Wilkes Barre-	Allentown		5
Scranton Airport.			
Wilkes Barre-	Moosic		2
Scranton Airport.			
Add:			
Connecticut:			
Bridgeport	Wallingford		2
Groton (including	Wallingford		4
New London).			
Windsor Locks		1	
(including Bradley			
Field).			
Windsor Locks	Boston, MA		6
(including Bradley			
Field).			
Windsor Locks	Groton		4
(including Bradley			
Field).			
Windsor Locks	Hadley, MA		2
(including Bradley			
Field).			
Windsor Locks	Wallingford		3
(including Bradley			
Field).			
Windsor Locks	Warwick, RI		6
(including Bradley			
Field).			
Hawaii:			
Kalapana	Hilo		2
South Kohala	Hilo		4
Massachusetts:			
Fall River	New Bedford		2
New Bedford		1	
Sandwich	New Bedford		3
Somerset	New Bedford		2
Woodshole	New Bedford		3
Mississippi:			
Gulfport		1	
Keesler Air Force	Gulfport		1
Base.			
Pascagoula	Gulfport		2
Port Bienville	Gulfport		2
New Hampshire:			
Manchester		2	
Newington	Manchester		4
Pease AFB	Manchester		4
Portsmouth	Manchester		4
Oklahoma:			
Port of Catoosa	Tulsa		1
Port of Rogers	Tulsa		1
Terminal			
Port of Verdigris	Tulsa		1
Port of Muskogee	Tulsa		1

COMMUTED TRAVELTIME ALLOWANCES— Continued

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Out-side
Tulsa International	Tulsa	1	
Airport.			
Port Arrow	Tulsa		1
Undesignated ports	Tulsa		3
Pennsylvania:			
Erie	Pittsburgh		6
Undesignated ports	Dallas, GAP, or Sybertsville.		3
Puerto Rico:			
Undesignated ports			3

Done at Washington, DC, this 1st day of July, 1986.

W.F. Helms,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 86-15205 Filed 7-3-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 50583-5083]

13 CFR Parts 302, 304, and 305

Area Designations, Overall Economic Development Program and Supplementary Grant Rates

AGENCY: Economic Development Administration, Commerce.

ACTION: Interim rule and request for comments.

SUMMARY: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program (OEDP) Requirements; and Supplementary Grant Rates.

DATES: Effective Date: July 7, 1986.

Comments by: September 5, 1986.

ADDRESS: Send comments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Room 7800B, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Walter Archibald, Director, Office of Compliance Review, Economic Development Administration, U.S.

Department of Commerce, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Room 7329, Washington, DC 20230, (202) 377-2710.

SUPPLEMENTARY INFORMATION: EDA is amending 13 CFR Part 302 which concerns area designation. Section 302.1, which concerns designation on the basis of unemployment, substitutes currently used "labor force data" for "unemployment figures." Section 302.3, which concerns designation on the basis of median family income, substitutes the "1980 U.S. Census" for the "1970 U.S. Census" to bring the regulations in line with current practice. Section 302.5, concerning designation on the basis of sudden rise in unemployment, at paragraph (b)(2) adds consideration of "job losses in more than a single industry" to conform to the Public Works and Economic Development Act of 1965, as amended, (PWEDA). Sections 302.5 (b)(2) and (b)(3) changes the methodology for determining an increase in the unemployment rate to reflect actual procedures used by the agency. Section 302.7, concerning designation of public works impact program (PWIP) areas, is changed as follows: paragraph (a) is modified to refer to public works impact program areas, for clarity, and to substitute "he/she", for "he"; paragraph (a)(1) (i) and (ii) are changed to reflect the changeover from Community Services Administration (CSA) to Department of Health and Human Services (HHS) for area designation and to redefine "poverty" consistent with legislation superceding the statute currently cited in the regulation; and paragraph (a)(2) substitutes the most recent census dates to bring the regulation in line with current practice. Section 302.8(a), concerning designation of special impact areas, has been amended to specify criteria needed for designation as a special impact area. This is consistent with the listing of specific criteria for PWIP designation under 13 CFR 302.7(a).

Section 302.9, concerning recognition of redevelopment areas designated under the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2985a) is deleted because such regulation has not been applicable to EDA programs since the Act was repealed and superseded by the Community Economic Redevelopment Act of 1981. Therefore, § 302.10 concerning recognition of redevelopment areas designated under the Community Economic Redevelopment Act of 1981, is renumbered as § 302.9; Section 302.11, concerning designation on the basis of per capita employment, is renumbered

as § 302.10 § 302.12, concerning designation on the basis of substantial unemployment and the national average rate of unemployment, is renumbered as § 302.11; § 302.13, concerning designation on the basis of long-term economic deterioration, is renumbered as § 302.12; and § 302.14, concerning exceptions to criteria for qualification, is renumbered as § 302.13.

The new § 302.10 substitutes current census dates to bring the regulation in line with current practice.

The new § 302.11 is changed as follows: at paragraph (a) "labor force data" is added to conform to EDA practice; at paragraph (a)(1) language is changed to clarify that substantial unemployment is an average; at paragraph (a)(2) language is changed to clarify that "unemployment" means that the unemployment rate is used; paragraph (b) is modified by substituting "unemployment data" for "average annual available unemployment statistics", to reflect the information actually supplied by the Department of Labor (DOL); and paragraph (c) deletes the reference to "long term economic deterioration" to more accurately reflect PWEDA at section 401(a)(8).

Section 302.41(b)(2), concerning review of area eligibility and termination of designation, is changed to reflect current requirements for termination or modification of area designations. Section 302.41(d)(3), concerning termination, is changed to more accurately reflect statutory language.

Section 304.4(a), concerning the initial OEDP, is changed to reflect current categories of designations.

Section 304.6, concerning submission of an initial OEDP, is changed: at paragraph (a) to delete reference to procedures under OMB Circular A-95, since such Circular is no longer in effect, and to refer instead of E.O. 12372; and at paragraph (d) to substitute the correct name of the program office (changed as the result of reorganization) which reviews the OEDP.

Section 304.8 at paragraphs (a), (b), (e), and (f), concerning progress reports, is changed to substitute dates appropriate to the current fiscal year time period. Since the fiscal year now ends in September, under the amended regulations EDA will have a full fiscal year's unemployment data to review, instead of the 9 months allowed under the existing regulations. Section 304.9(e), concerning revised OEDPs, is revised to delete reference to procedures under OMB Circular A-95, since such Circular is no longer in effect, and to refer instead to E.O. 12372.

Section 305.5(b)(3), concerning supplementary grant rates, is modified: at paragraph (i) to reflect EDA's practice of considering the reduction or waiver of the local matching share when grants are made to Indian Tribes; paragraph (iv) is modified to distinguish PWIP and Special Impact Areas designated before the 1976 amendment to PWEDA; paragraph (v) is modified to correct the reference to the Public Law and to clarify that a disaster declaration is made for a specific disaster incident and not for any subsequent disaster incident; paragraphs (vi), (vii) and (viii) are modified to reflect the 1980 U.S. Census figures in determining income levels; and paragraph (ix) is modified to reflect actual designations under the 1976 amendments to PWEDA.

Because this rule relates to grants, benefits and contracts, it is exempt from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553) including notice and opportunity to comment and delayed effective date.

No other law requires that notice and opportunity for comment be given for the rule.

Accordingly, the Department's General Counsel has determined and so certified to the Office of Management and Budget, that dispensing with notice and opportunity for comment is consistent with the APA and all other relevant laws.

However, because the Department is interested in receiving comments from those who will benefit from amendments to the rules being issued in final, this rule is being issued as interim final. Public comments on the interim final rule are invited and should be sent to the address listed in the "Address" section above.

Comments received by September 5, 1986 will be considered in promulgating a final rule.

Since notice and an opportunity for comment are not required to be given for this rule under section 553 of the APA (5 U.S.C. 553) or any other law under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a), 604(a)), no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

Under Executive Order (E.O.) 12291 the Department must judge whether a regulation is "major" within the meaning of section 1 of the Order and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. This regulation is not major because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in

costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act (Pub. L. 96-511).

List of Subjects.

13 CFR Part 302

Community development.

13 CFR Part 304

Community development, Reporting and recordkeeping requirements.

13 CFR Part 305

Community development, Community facilities, Grant programs—community development, Indians, Loan programs—community development.

1. The authority for Parts 302, 304 and 305 is revised to read as follows:

Authority: Section 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211). Sec. 1-105, D.O.C. Organization Order 10-4, as amended (40 FR 56702, as amended)

PART 302—[AMENDED]

2. 13 CFR Part 302 is amended by removing § 302.9; and redesignating §§ 302.10-302.14 as §§ 302.9-302.13.

3. Section 302.1 is amended by revising the introductory text to read as follows:

§ 302.1 Designation on the basis of unemployment.

On the basis of labor force data supplied by the Secretary of Labor, the Assistant Secretary shall designate those areas as redevelopment areas:

3. Section 302.3 is amended by revising paragraph (b) to read as follows:

§ 302.3 Designation on the basis of median family income.

(b) Determinations of median family income are to be based on the income statistics shown in the 1980 U.S. Census.

4. Section 302.5 is amended by revising paragraph (b)(2) and (3)(ii) to read as follows:

§ 302.5 Designation on the basis of sudden rise in unemployment.

(b) * * *

(2) Job losses in more than a single firm or in more than in a single industry

may be considered in the aggregate where:

* * * * *

(3) * * *

(ii) An increase of 2 percentage points or more in the area's unemployment rate. The percentage-point increase in the unemployment rate for the area shall be based upon the relationship of actual or expected additional unemployed to the number of persons in the labor force of the area.

* * * * *

5. Section 302.7 is amended by revising paragraph (a)(1) (i) and (ii) and (2) to read as follows:

§ 302.7 Designation of public works impact program areas.

(a) The Assistant Secretary shall designate communities or neighborhoods defined without regard to political or other subdivisions or boundaries as a public works impact program area, when he/she determines one of the following conditions have been met by the defined area in its entirety.

(1) * * *

(i) An area presently selected for assistance by the Department of Health and Human Services under the Community Economic Development Act of 1981 (Title VI, Chapter 8, Subchapter A of Pub. L. 97-35)

(ii) An area in which the majority of the families are living in poverty, as defined by the U.S. Department of Health and Human Services guidelines, as published each year in the **Federal Register**.

(2) Rural areas having substantial outmigration. This includes an area which has experienced a minimum outmigration rate of at least 25 percent during the period from 1970 to 1980 as established by the Bureau of Census.

* * * * *

6. Section 302.8 is amended by revising paragraph (a) and republishing the introductory text of the section to read as follows:

§ 302.8 Designation of special impact areas.

The Assistant Secretary shall designate special impact areas where:

(a) One of the following criteria have been met:

(1) Large concentration of low-income persons. This includes:

(i) An area presently selected for assistance by the Department of Health and Human Services under the Community Economic Development Act of 1981 (Title VI, Chapter 8, Subchapter A of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35); or

(ii) An area in which a majority of the families are living in poverty as defined by the Department of Health and Human Services guidelines and published each year in the **Federal Register**.

(2) Rural Areas having substantial outmigration. This includes any area which has experienced a minimum outmigration rate of at least 25 percent during the period from 1970 to 1980 as established by the Bureau of the Census.

(3) An area of substantial unemployment, meaning one which (i) experienced an annual average unemployment rate at least 50 percent higher than the U.S. annual average unemployment rate for the most recent calendar year, or (ii) experienced an average unemployment rate at least 50 percent higher than the U.S. average employment rate for the most recent 12-month period for which data are available, or (iii) is currently experiencing an unemployment rate at least 100 percent higher than the U.S. average unemployment rate.

(4) An area which has or is threatened with an abrupt rise in unemployment due to the closing or curtailment of a major source of employment, and which has or can reasonably be expected to have an unemployment rate 100 percent or more above the national average. The policy guidelines for designation of areas under section 401(a)(4) of the act (Planning Directive No. 17.09 shall apply to designations under section 401(a)(6)(D) unless otherwise specified herein (e.g., unemployment rate 100 percent above the national average).

7. Section 302.10 is revised to read as follows:

§ 302.10 Designation on the basis of per capita employment.

The Assistant Secretary shall designate as redevelopment areas those areas which have suffered a significant decline in per capita employment. Such areas shall be defined as those having a decline in per capita employment of more than 1.2 percentage points between 1970 and 1980, and which also have net outmigration during the same period, as determined by the 1980 census.

8. Section 302.111 is revised to read as follows:

§ 302.11 Designation on the basis of substantial unemployment and the national average rate of unemployment.

(a) The Assistant Secretary shall designate as a redevelopment area any area for which the Secretary of Labor

has provided labor force data showing that:

(1) The area has experienced a substantial average unemployment rate over a 24-month period; and

(2) The area has experienced an average 24-month unemployment rate for the most recent 24-month period for which data are available to EDA, which was above the national 24-month average unemployment rate for the same period.

(b) The Secretary of Labor shall provide the unemployment data for use by the Assistant Secretary in designating redevelopment areas pursuant to the criteria of section 401(a)(8) of the Act, as implemented by paragraphs (a)(1) and (a)(2) of this section.

(c) For the purpose of this section, "substantial unemployment" is defined as an unemployment rate of 6 percent or more.

9. Section 302.41 is amended by revising paragraphs (b)(2) and (d)(3) to read as follows:

§ 302.41 Review of area eligibility and termination of designation

(b) * * *

(2) Whether the designation status of an area shall be terminated or modified in accordance with prescribed standards.

* * * * *

(d) * * *

(3) Be made in the case of any designated area where the Assistant Secretary determines that an improvement in the unemployment rate of the area is the result of temporarily increased employment in particular occupations.

* * * * *

PART 304—[AMENDED]

10. Section 304.4 is amended by revising paragraph (a) to read as follows:

§ 304.4 Initial OEDP.

(a) The initial OEDP is the beginning of a planning process required by qualified redevelopment areas and economic development districts before the designation process can be completed.

* * * * *

11. Section 304.6 is amended by revising paragraphs (a) and (d) to read as follows:

§ 304.6 Submission of initial OEDP.

(a) The initial OEDP of the area or district to be designated is to be reviewed by appropriate governmental bodies and all organized interest groups, especially the appropriate State agency, and the EDA Regional Office.

* * * * *

(d) The EDA Regional Office Planning and Technical Assistance Division staff will review the OEDP for its adequacy. If the OEDP is approved by the Regional Office, the Economic Development Administration in Washington will be notified. If, however, the Regional Office finds the initial OEDP inadequate, it will contact the chairman of the OEDP committee by letter and outline the required revisions or request a supplement.

12. Section 304.8 is amended by revising paragraphs (a), (b), (e), and the introductory text of (f) and (f)(3) to read as follows:

§ 304.8 Progress report.

(a) The OEDP annual report for the annual designation and eligibility review for redevelopment areas shall be submitted after April 1, but not later than June 30, of each year, covering the preceding calendar year.

(b) If located within an economic development district, a redevelopment area may, at its discretion, notify EDA annually, on or before June 30, that the district annual OEDP progress report satisfactorily covers the areas own planning and programming.

* * * * *

(e) Areas and districts submitting an initial or revised OEDP during the last quarter of the calendar year will not be required to submit an annual progress report by June 30. The report will be due the following year covering a period of 1 year to 15 months.

(f) If the annual OEDP report has not been submitted by June 30, or cannot be approved, the Regional Director:

* * * * *

(3) May allow a reasonable extension of time (not to exceed 60 days) to prepare the report or supplemental data. Under very exceptional circumstances the Regional Director may allow a further extension. However, the report must be received not later than September 15.

* * * * *

13. Section 304.9 is amended by revising paragraph (e) to read as follows:

§ 304.9 Revised OEDP.

* * * * *

(e) Before any revised OEDP for a district is approved by EDA, it shall be reviewed by appropriate governmental bodies and all organized interest groups, especially the appropriate State agency, and the EDA Regional Office.

PART 305—[AMENDED]

14. § 305.3 is amended by revising paragraph (b)(3)(i), (iv), (v), (vi), (vii), (viii) and (ix) to read as follows:

§ 305.5 Supplementary grant rates.

(b) * * *

(3) * * *

Projects	Maximum grant rates (percent)
(i) Projects of Indian Tribes which are concerned with general economic development will be given special consideration, and the Assistant Secretary may reduce or waive the non-Federal share for such projects.....	100
(iv) Projects located in redevelopment areas designated under section 401(a)(6) of the Act as special impact areas and which were not designated under section 401(a)(6) as a result of the October 12, 1976 amendment of section 401(a)(8) of the Act, but which cannot meet the requirement of paragraph (b)(3)(ii) of this section.....	80
(v) Projects located in areas designated under title IV of the Act which have been declared disaster areas by the President of the United States under the Disaster Relief Act of 1974 (Pub. L. 93-288), provided: (A) Such areas retain their EDA designations, and (B) No more than one year has elapsed since the date of such area's disaster area designation.....	80
(vi) Projects located in areas designated under Title IV of the Act in which the median annual family income is \$7,412 or below, or the average unemployment rate for the preceding 24 months is 12 percent or higher.....	80
(vii) Projects located in areas designated under Title IV of the Act in which the median annual family income is \$7,413 to \$8,261, or the average unemployment rate for the preceding 24 months is 10 percent to 11.9 percent.....	70
(viii) Projects located in areas designated under Title IV of the Act in which the median annual family income is \$8,262 to \$9,110, or the average unemployment rate for the preceding 24 months is 8 percent to 9.9 percent.....	60
(ix) Projects located in areas designated under section 401(a)(6) of the Act solely on the basis of the October 12, 1976 amendment of section 401(a)(8) of the Act by Pub. L. 94-487.....	50

* * * * *

Dated: June 26, 1986.

Orson G. Swindle, III,

Assistant Secretary for Economic Development.

[FR Doc. 86-14893 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-24-M

13 CFR Part 310

[Docket No. 60596-6096]

Relocation Assistance and Land Acquisition Policies**AGENCY:** Economic Development Administration (EDA), Commerce.**ACTION:** Final rule.

SUMMARY: The Economic Development Administration (EDA) is amending its rule at 13 CFR Part 310 to delete its existing requirements and to alert grant recipients (states and political subdivisions of states) under the Public Works and Economic Development Act of 1965, as amended, Pub. L. 89-136, 42 U.S.C. 3121 (PWEDA) that they are subject to the Department of Commerce (DOC) rule for implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), published on February 27, 1986 (51 FR 7000). EDA's amendment refers recipients of EDA financial assistance to the governing DOC regulation at 15 CFR Part 11. The Uniform Act requires that owners of real property to be acquired for Federal or federally-assisted programs, and persons displaced from their dwellings, businesses, or farms as a result of such acquisition, be provided fair, consistent, and equitable treatment.

EFFECTIVE DATE: May 28, 1986.**FOR FURTHER INFORMATION CONTACT:**

James F. Marten, Deputy Chief Counsel for Operations and Administration, Economic Development Administration, U.S. Department of Commerce, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Room 7009, Washington, DC 20230, (202) 377-5441.

SUPPLEMENTARY INFORMATION: A final uniform regulation covering 17 Federal Agencies, including DOC, was published on February 27, 1986 (51 FR 7000). At 51 FR 7000 there is a lengthy explanation of comments received and changes made to the previously published proposed common Uniform Act rule for the 17 Federal Agencies. The final rule under the Uniform Act removed and reserved EDA's relocation assistance regulation at 13 CFR Part 310. EDA is publishing this amendment to 13 CFR Part 310 to alert applicants for a recipients of financial assistance under PWEDA (states and political subdivisions of states) whom might otherwise not know the effect of the repeal and reservation of 13 CFR Part 310, that they are subject to the DOC regulation at 15 CFR Part 11.

Under Executive Order 12291 the Department must judge whether a regulation is "major" within the meaning

of Section 1 of the Order and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. This regulation is not major because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets.

Accordingly, neither a preliminary nor final Regulation Impact Analysis has to be or will be prepared.

This final rule is exempt from all requirements of 5 U.S.C. 553 including notice and opportunity to comment and delayed effective date because it relates to public property, loans, grants, benefits and contracts.

No other law requires that notice and opportunity for comment be given for the rule.

Accordingly, the Department's General Counsel has determined and so certified to the Office of Management and Budget, that dispensing with notice and opportunity for comment is consistent with the Administration Procedure Act (APA) and all other relevant laws.

Since notice and an opportunity for comment are not required to be given for this rule under section 553 of the APA (5 U.S.C. 553) or any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a), 604(a)), no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

The collection of information requirements contained in the DOC rule have been approved under OMB No. 0690-0001.

List of Subjects in 13 CFR Part 310

Real property acquisition, Relocation assistance.

PART 310—[AMENDED]

Accordingly, for the reasons set forth above, 13 CFR Part 310 is amended as follows:

1. The authority citation for Part 310 is revised to read as follows:

Authority: Sec. 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601); Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Sec. 1-105, Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended).

2. Part 310 is being amended to refer applicants and recipients (states and political subdivisions of states) to 15 CFR Part 11. Therefore, § 310.1 is revised to read as follows:

§ 310.1 Coverage.

Recipients of EDA financial assistance (states and political subdivisions of states) are subject to requirements set forth at 15 CFR Part 11.

Dated: July 1, 1986.

Mary Ann Barron,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 86-15216 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 86-ASW-1]

Amendment of Transition Area; Dallas/Fort Worth, TX**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This action will amend the transition area at Dallas/Fort Worth, TX. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Bourland Field Airport, Fort Worth, TX. The proposal for this action incorrectly stated the location of Bourland Field Airport as Cresson, TX. It is corrected herein. This amendment is necessary since a SIAP has been developed for Bourland Field Airport utilizing the Acton VORTAC (AQN). This action is an amendment to the existing Dallas/Fort Worth, TX, transition area which already provides part of the necessary controlled airspace for Bourland Field Airport. Coincident with this action the airport status will be changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 UTC, December 18, 1986.**FOR FURTHER INFORMATION CONTACT:**

David J. Souder, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2622.

SUPPLEMENTARY INFORMATION:

History

On March 7, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide adequate controlled airspace for aircraft operating under IFR to and from the Bourland Field Airport (51 FR 7950).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, including the address (city location) of Bourland Field Airport, this amendment is that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will establish an additional 700-foot transition area, in the vicinity of Acton VORTAC, for the benefit of aircraft conducting IFR activity at Bourland Field Airport, Fort Worth, TX. To enhance airport usage, a new SIAP has been developed for the airport utilizing the Acton VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new SIAP under IFR conditions and other aircraft. This action will change the airport status from VFR to IFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

Dallas/Fort Worth, TX [Amended]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

§ 71.187 [Amended]

2. Section 71.181 is amended as follows:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°11'00" N., longitude 97°27'00" W.; to latitude 33°11'00" N., longitude 97°19'00" W.; to latitude 33°26'00" N., longitude 97°15'00" W.; to latitude 33°26'00" N., longitude 97°07'00" W.; to latitude 33°19'00" N., longitude 97°06'00" W.; to latitude 33°19'00" N., longitude 96°57'00" W.; to latitude 33°08'30" N., longitude 96°36'00" W.; to latitude 33°08'30" N., longitude 96°25'00" W.; to latitude 33°00'15" N., longitude 96°25'15" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 32°56'00" N., longitude 96°26'00" W.; to latitude 32°51'30" N., longitude 96°25'30" W.; to latitude 32°44'00" N., longitude 96°26'00" W.; to latitude 32°41'00" N., longitude 96°29'30" W.; to latitude 32°37'30" N., longitude 96°30'15" W.; to latitude 32°37'45" N., longitude 96°32'45" W.; to latitude 32°34'00" N., longitude 96°37'00" W.; to latitude 32°29'00" N., longitude 96°32'00" W.; to latitude 32°25'00" N., longitude 96°38'00" W.; to latitude 32°31'00" N., longitude 96°44'00" W.; to latitude 32°29'00" N., longitude 97°01'00" W.; to latitude 32°23'00" N., longitude 97°05'00" W.; to latitude 32°16'30" N., longitude 97°25'30" W.; to latitude 32°19'30" N., longitude 97°33'00" W.; to latitude 32°25'00" N., longitude 97°33'00" W.; to latitude 32°25'00" N., longitude 97°42'00" W.; thence north along longitude 97°42'00" W., to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W., to latitude 32°55'00" N., to latitude 33°13'00" N., longitude 97°56'00" W.; to latitude 33°15'30" N., longitude 97°49'00" W.; to latitude 33°13'30" N., longitude 97°39'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°15'30" N., longitude 97°34'40" W.; to latitude 33°12'00" N., longitude 97°31'30" W.; to point of beginning and within a 6.5-mile radius of the McKinney Municipal Airport (latitude 33°10'43" N., longitude 96°35'25.5" W.) and within 3 miles either side of the 010-degree bearing from the NDB (latitude 33°10'43" N., longitude 96°35'34.5" W.) extending from the 6.5-mile radius area to 8.5 miles north of the NDB; and within a 6.5-mile radius of the Cleburne Municipal Airport (latitude 32°21'16" N., longitude 97°26'02" W.).

Issued in Fort Worth, TX, on June 23, 1986.

Richard L. Failor,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 86-15131 Filed 7-3-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74 and 82

[Docket No. 85N-0323]

FD&C Yellow No. 5; Identity and Specifications

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations by revising the identity and specifications for FD&C Yellow No. 5 for use in food and ingested drugs. The identity and specifications being established by this action are the same as those contained in the regulations that permanently lists this color additive for use in cosmetics and externally applied drugs. Elsewhere in this issue of the *Federal Register*, FDA is removing the stay and confirming the effective date of the final rule that lists FD&C Yellow No. 5 for the latter uses.

DATES: Effective August 7, 1986, except as to any provisions that may be stayed by the filing of proper objections; objections by August 6, 1986.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of September 4, 1985 (50 FR 35841), FDA proposed to revise the identity and specifications for the permanently listed uses of FD&C Yellow No. 5 in food and in ingested drugs. The proposed identity and specifications describe the color additive more precisely and control undesired impurities more completely than do those currently listed in 21 CFR 74.705 and cross-referenced in 21 CFR 74.1705. FDA has already adopted the new identity and specifications for the externally applied drug and general cosmetic uses of FD&C Yellow No. 5 in a rule that permanently listed these uses of this color additive. This rule was also published in the *Federal Register* of September 4, 1985 (50 FR 35774).

FDA established identity and specifications for FD&C Yellow No. 5 in 1966, when it permanently listed the color additive for use in foods (21 CFR

74.705) and in ingested drugs (21 CFR 74.1705) [see 31 FR 3008; February 22, 1966]. However, during the recent safety review of the provisionally listed uses of FD&C Yellow No. 5 in externally applied drugs and in cosmetics, FDA determined that continued safe use of the additive would require the adoption of a new identity and more extensive specifications for the color additive. In particular, the agency concluded that new identity and specifications are necessary to control the formation and presence in FD&C Yellow No. 5 of undesired impurities, six of which have been shown to be carcinogenic.

In the **Federal Register** of September 4, 1985 (50 FR 35774), the agency published regulations to permanently list FD&C Yellow No. 5 for use in externally applied drugs (21 CFR 74.1705) and in cosmetics generally (21 CFR 74.2705). Among other things, § 74.2705 included a new identity and new specifications for FD&C Yellow No. 5, so that the purity of future batches of the color additive could be controlled to ensure their safe use. The discussion in that final rule is incorporated by reference in this document.

In the **Federal Register** of September 4, 1985 (50 FR 35841), the agency also proposed to replace the identity and specifications in the regulations listing FD&C Yellow No. 5 for food and ingested drug uses with the new identity and specifications for this color additive. The agency issued this proposal because it concluded that the new identity and specifications are necessary to ensure the safe use of the color additive.

No comments were received in response to the agency's proposal on FD&C Yellow No. 5. However, two of the three objections that FDA received on the final rule permanently listing FD&C Yellow No. 5 for use in cosmetics and externally applied drugs (50 FR 35774) bear on the proposed amendments of 21 CFR 74.705 and 74.1705.

The petitioner objected to the new specifications, contending that analytical methods were not adequate to monitor for the impurities, and a manufacturer objected to the wording used to describe the manufacturing process and requested a minor modification. As discussed in the document published elsewhere in this issue of the **Federal Register** confirming the effective date of the rule, and incorporated herein by reference, FDA disagrees with the former but not the latter objection.

FDA agrees with the objection that requested a minor change in the description of the manufacturing

process. FDA's proposed description required the final chemical step, a coupling reaction, to be conducted with a specific carboxylic acid and the resulting dye to be precipitated as the sodium salt. The comment from a manufacturer of FD&C Yellow No. 5 noted that the manufacturing process on file with FDA is more precisely described as using a derivative of the carboxylic acid proposed by FDA. This objection also noted that the word "precipitated" was too narrow and unnecessarily prevented use of other methods for isolating the final color additive. It requested that FDA add the word "derivative" after the words "carboxylic acid" and replace the word "precipitated" with the word "isolated".

FDA agrees with the intent of this objection but notes that the proposed wording excludes use of the underivatized carboxylic acid. FDA had intended to permit use of the carboxylic acid or its simple derivative because, whichever is used, the impurities of concern would be the same. Also, FDA used the term "precipitated" to describe the need for a purification step rather than to establish a restriction on the details of purification. Consequently, in the document confirming the effective date of the final rule, FDA is replacing the term "carboxylic acid" with "carboxylic acid or with the methyl ester, the ethyl ester, or a salt of this carboxylic acid" and is replacing the word "precipitated" with the words "purified and isolated." The agency is also issuing this final rule with this same minor editorial change.

Therefore, the agency is revising § 74.705 (a)(1) and (b) to include the new chemical name of FD&C Yellow No. 5 as proposed, a slight modification of the proposed brief description of the manufacturing processes for this color additive, and the proposed new set of specifications.

Also, because the identity and specifications for all uses of the color addition are now the same, FDA is revising §§ 74.1705, 74.2705, and 82.705 so that all sections of the regulations for FD&C Yellow No. 5 reference the same paragraphs (§ 74.705 (a) and (b)) that list the identity and specifications for this additive.

The agency has determined under 21 CFR 25.24(a)(9) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Although this action is exempt from Executive Order 12291, the agency has

analyzed the economic effects of this final rule and has determined that it is not a major rule as defined by that Order. As discussed in the proposal, the agency has estimated the economic cost arising from this action to be less than \$200,000. This increase in cost will result primarily from the incremental cost of using purer starting materials in the production of FD&C Yellow No. 5.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this action would have on small entities, including small businesses, and has determined that no significant economic impact on a substantial number of small entities would derive from this action. Although some manufacturers of FD&C Yellow No. 5 may be considered small, the agency does not believe that the cost impact is of sufficient size to be considered significant.

The evidence supporting these findings is contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

Any person who will be adversely affected by this regulation may at any time on or before August 6, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

List of Subjects

21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

21 CFR Part 82

Color additives, Cosmetics, Drugs. Therefore, under the Federal Food, Drugs, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 74 and 82 are revised as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 74 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

2. Part 74 is amended in § 74.705 by revising paragraphs (a)(1) and (b) to read as follows:

§ 74.705 FD&C Yellow No. 5

(a) *Identity.* (1) The color additive FD&C Yellow No. 5 is principally the trisodium salt of 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-4-[(4-sulfophenyl)azo]-1H-pyrazole-3-carboxylic acid (CAS Reg. No. 1934–21–0). To manufacture the additive, 4-amino-benzenesulfonic acid is diazotized using hydrochloric acid and sodium nitrite. The diazo compound is coupled with 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid or with the methyl ester, the ethyl ester, or a salt of this carboxylic acid. The resulting dye is purified and isolated as the sodium salt.

(b) *Specifications.* FD&C Yellow No. 5 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Sum of volatile matter at 135 °C (275 °F) and chlorides and sulfates (calculated as sodium salts), not more than 13 percent.

Water-insoluble matter, not more than 0.2 percent.

4,4'-(4,5-Dihydro-5-oxo-4-[(4-sulfophenyl)hydrazono]-1H-pyrazol-1,3-diyl)bis[benzenesulfonic acid], trisodium salt, not more than 1 percent.

4-[(4',5-Disulfo[1,1'-biphenyl]-2-yl)hydrazono]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrasodium salt, not more than 1 percent.

Ethyl or methyl 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-4-[(4-

sulfophenyl)hydrazono]-1H-pyrazole-3-carboxylic acid, disodium salt, not more than 1 percent.

Sum of 4,5-dihydro-5-oxo-1-phenyl-4-[(4-sulfophenyl)azo]-1H-pyrazole-3-carboxylic acid, disodium salt, and 4,5-dihydro-5-oxo-4-(phenylazo)-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt, not more than 0.5 percent.

4-Aminobenzenesulfonic acid, sodium salt, not more than 0.2 percent.

4,5-Dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt, not more than 0.2 percent.

Ethyl or methyl 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylate, sodium salt, not more than 0.1 percent.

4,4'-(1-Triazene-1,3-diyl)bis[benzenesulfonic acid], disodium salt, not more than 0.05 percent.

4-Aminoazobenzene, not more than 75 parts per billion.

4-Aminobiphenyl, not more than 5 parts per billion.

Aniline, not more than 100 parts per billion.

Azobenzene, not more than 40 parts per billion.

Benzidine, not more than 1 part per billion.

1,3-Diphenyltriazene, not more than 40 parts per billion.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 87 percent

* * * * *

3. In § 74.1705 by revising paragraph (a) to read as follows:

§ 74.1705 FD&C Yellow No. 5

(a) *Identity and specifications.* (1) The color additive FD&C Yellow No. 5 shall conform in identity and specifications to the requirements of § 74.705 (a)(1) and (b).

(2) Color additive mixtures for drug use made with FD&C Yellow No. 5 may contain only those diluents that are suitable and are listed in Part 73 of this chapter as safe for use in color additive mixtures for coloring drugs.

* * * * *

4. In § 74.2705 by revising paragraph (a) to read as follows:

§ 74.2705 FD&C Yellow No. 5.

(a) *Identity and specifications.* The color additive FD&C Yellow No. 5 shall conform in identity and specifications to the requirements of § 74.705 (a)(1) and (b).

* * * * *

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

5. The authority citation for 21 CFR Part 82 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

6. Part 82 is amended by revising § 82.705 to read as follows:

§ 82.705 FD&C Yellow No. 5.

The color additive FD&C Yellow No. 5 shall conform in identity and specifications to the requirements of § 74.705 (a)(1) and (b) of this chapter.

Dated: July 1, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–15245 Filed 7–2–86; 11:31 am]

BILLING CODE 4160-01-M

21 CFR Parts 74, 81, and 82

[Docket No. 84N–0319]

FD&C Yellow No. 5; Permanent Listing for Use in Externally Applied Drugs and in Cosmetics Generally; Termination of Stay, Confirmation of Effective Date, and Further Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule; termination of stay, confirmation of effective date, and further amendment.

SUMMARY: The Food and Drug Administration (FDA) is terminating the stay of the final rule permanently listing FD&C Yellow No. 5 for use in externally applied drugs and in cosmetics generally. Under the formal rulemaking provisions of the Federal Food, Drug, and Cosmetic Act (the act), the filing of three objections to this final rule stayed its effect while FDA evaluated and acted on the objections. The agency has now completed its evaluation of these objections. FDA finds that two are without merit. In response to the third objection, FDA is modifying 21 CFR 74.2705. Therefore, this document terminates the stay of the regulation; confirms the effective date of October 7, 1985, for the regulation listing FD&C Yellow No. 5 for use in externally applied drugs and in cosmetics generally; and further amends 21 CFR 74.2705. This document also amends the color additive regulations by removing FD&C Yellow No. 5 from the color additive provisional list.

DATES: Effective date confirmed for September 4, 1985, document 50 FR

35774); October 7, 1985; effective date of this document is August 7, 1986. Objections to the amendments by August 6, 1986.

ADDRESS: Written objections to the Dockets Management Branch (FHA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION:

I. Background

In the *Federal Register* of September 4, 1985 (50 FR 35774), FDA published a final rule that amended the color additive regulations by permanently listing FD&C Yellow No. 5 for use in externally applied drugs and in cosmetics generally. The final rule also removed the color additive (although not its lakes) from the provisional list and removed the stay on an earlier listing regulation for the use of FD&C Yellow No. 5 in externally applied cosmetics. In addition, in § 74.2705 (a) and (b) (21 CFR 74.2705 (a) and (b)), the final rule established a new identity and new specifications for this color additive.

In the final rule, FDA gave interested persons until October 4, 1985, to file objections. Concurrently with publication of the final rule on September 4, 1985, FDA extended the closing date for the provisional listing of FD&C Yellow No. 5 until November 5, 1985 (50 FR 35789), to provide time for the receipt and evaluation of objections.

The agency received objections to the permanent listing regulation from the petitioner, the Certified Color Manufacturer's Association (CCMA); from a manufacturer of the color additive, the Hilton-Davis Chemical Co.; and from a public interest group, Public Citizen Health Research Group (HRG). The objections are on file in the Dockets Management Branch (address above) under the docket number found in brackets in the heading of this document. No requests for a hearing were received in response to the listing regulation.

To provide FDA with time to evaluate and to act on these objections, the agency extended the provisional listing of FD&C Yellow No. 5 to January 6, 1986, by a final rule published in the *Federal Register* of November 5, 1985 (50 FR 45909). FDA further extended the provisional listing of FD&C Yellow No. 5 to March 7, 1986, May 6, 1986, and, subsequently, July 7, 1986, by the publication of final rules in the *Federal Register* of January 6, 1986 (51 FR 375),

of March 7, 1986 (51 FR 7933), and of May 6, 1986 (51 FR 16674), respectively.

FDA announced in these final rules that the regulation that permanently listed FD&C Yellow No. 5 for use in externally applied drugs and in cosmetics generally was stayed pending final agency action on the objections. The objections and the agency's responses to them are summarized below.

II. Objections and Agency Responses

1. CCMA objected to the specifications that FDA established for six carcinogenic impurities found in FD&C Yellow No. 5. CCMA claimed that the analytical methodology that FDA has developed to examine the color additive for these impurities is not yet ready for use in the analysis of trace compounds in the parts-per-billion range. In support of this claim, CCMA pointed out that an FDA chemist, in demonstrating the methodology at a meeting of CCMA's analytical methods subcommittee, was unable to reproduce the results of analyses achieved in FDA's laboratory.

FDA finds no merit to this objection. On January 10, 1984, FDA informed CCMA of the problems with carcinogenic constituents in FD&C Yellow No. 5 (Ref. 1). At CCMA's request, FDA sent CCMA a draft report on the methodology for determining unsulfonated aromatic amines in water soluble color additives (Ref. 2), so that CCMA could test this method in the laboratories of its members and could begin to use the method to control the impurities in batches of the color additive.

CCMA informed FDA in January 1985 that its members were having trouble with FDA's methodology. In response to CCMA's expressed concern, FDA sent its principal chemist who had developed the new methodology to a CCMA member laboratory to observe the use of the methodology and to assist CCMA member scientists in identifying the sources of their problems. Contrary to the implication in CCMA's objection, the purpose of the visit was not to reproduce results obtained at FDA's laboratory but to advise CCMA members on where they deviated from the requirements of the methodology and on how to improve the results with their equipment. Seven scientists representing three CCMA member companies were present at this meeting.

The FDA chemist noted that the CCMA member laboratory deviated from FDA's prescribed procedures in several critical steps (Ref. 7). For example, distillation was conducted at a higher temperature and for a longer

period than prescribed. In addition, an untested air purge was used to speed the evaporation. As the FDA chemist informed the CCMA representatives at that time, too high temperatures and erratic periods of distillation inevitably lead to nonreproducible results when trying to analyze trace amounts of volatile compounds such as the aromatic amines in FD&C Yellow No. 5 (Ref. 3). Although performance of the method improved during the FDA chemist's visit, the CCMA member laboratory was not able, during this visit, to make all the necessary changes to bring its application of the methodology to that prescribed by the procedures that FDA had supplied.

FDA is confident that CCMA members can resolve these problems with further work. In any case, CCMA's difficulties do not prevent FDA from using the methodology reliably in its own laboratories in certifying batches of FD&C Yellow No. 5.

The methodology that FDA has used to determine trace level impurities in FD&C Yellow No. 5 is based on methodology that it developed for determining trace level impurities in several water-soluble color additives. In brief, the impurities are separated from an aqueous solution of the color additive by solvent extraction and concentrated by removal of the solvent. For four of the impurities, colored derivatives must be prepared for further analysis. The amounts of these impurities in the sample are determined by chromatographic analysis with quantitative detection at two different wavelengths. The other two impurities are determined directly by a similar chromatographic procedure.

FDA has tested the methodology using criteria that are recognized by the scientific community as appropriate for ensuring the validity of trace impurity analysis. The methodology produces reproducible results, under varying conditions, that are specific to the impurities of concern. Measurement at two wavelengths helps to assure the identification of the analyte because a ratio can be calculated from the two responses. An impurity other than the carcinogenic impurity is likely to yield a different ratio and, therefore, would be recognized as something other than the impurity of concern. With selected samples, the agency has confirmed the identity of each analyte by spectral scanning and comparison of the spectrum with that obtained from authentic standards.

FDA established the reproducibility of the methodology by repeatedly analyzing selected samples from the

same batch. The percent relative standard deviation for these samples was always less than 10 percent and usually less than 5 percent.

FDA calibrated the methodology at several concentrations spanning the range of response in the actual samples. No unexpected deviations occurred during this multilevel calibration which was conducted over several weeks, allowing for changes in room conditions, stock reagent solutions, and equipment. Responses were linearly proportional to concentration as shown by correlation coefficients of 0.98 or higher for the aromatic amines.

FDA scientists have described the methods of determination, statistical treatment of calibration data and reproducibility data, techniques of response confirmation, and other observations in several refereed scientific journals (Refs. 4 through 7). The agency concludes that the methodology will reproducibly measure all the impurities at concentrations of 5 parts per billion or higher. The presence of benzidine can be detected at the 1 part per billion level, although the reproducibility of the results for this impurity is not as good as for impurities determined at higher concentrations. FDA intends to improve the sensitivity of the method for benzidine in future laboratory studies.

Therefore, FDA concludes that CCMA's objection concerning the specifications is without merit because FDA has validated the analytical methodology by appropriate procedures and has found it to be adequate to certify the purity of future batches of FD&C Yellow No. 5.

2. CCMA objected to the fact that FDA did not permanently list the lakes of FD&C Yellow No. 5. CCMA stated that FDA gave no reason for not permanently listing these lakes other than a citation to a notice of intent to propose rules that FDA published in the Federal Register of June 22, 1979 (44 FR 36411). CCMA stated that FDA's failure to permanently list the lakes violates the Administrative Procedure Act (APA) (5 U.S.C. 553(c)) and section 706(b)(2)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376(b)(2)(A)).

FDA did not permanently list the lakes of FD&C Yellow No. 5 because of a number of factors that are common to all color additive lakes. Most significantly, the analytical methodology used to certify the purity of a color additive that is readily soluble in common solvents may not be applicable when the color additive is absorbed on a substrate to form a lake that is insoluble. Permanent listing will require an analytical methodology that can be

used to enforce the specifications that the agency may establish. Secondly, specifications for a color additive established under current good manufacturing practice may not be applicable to a lake, which is made with other materials and other manufacturing steps than those that are involved in producing the straight color additive.

In the June 22, 1979, notice, FDA discussed the problems related to lakes and requested comments that would be helpful for developing a proposal that would resolve those problems for the lakes of color additives generally. Based on the comments on that notice and on its experience in certifying lakes of color additives, FDA is developing a comprehensive proposal to permanently list most lakes. FD&C Yellow No. 5 lake will be included in that proposal. Therefore, FDA rejects the comment that it should have permanently listed the lake of FD&C Yellow No. 5 in the September 4, 1985, final rule.

FDA's decision to defer action on lakes does not violate the APA. Although the agency is delaying action, it intends to take action on the lakes in the near future. At that time, all interested persons will have a full opportunity to comment on the agency's proposed action. In the meantime, the lakes of FD&C Yellow No. 5 will continue to be provisionally listed. Therefore, CCMA and its members are not prejudiced because they can continue to manufacture FD&C Yellow No. 5 lakes as before.

3. CCMA also objected that the final rule amended 21 CFR 82.705 to require that the provisionally listed lakes of FD&C Yellow No. 5 meet the new specifications. CCMA contended that this action was inconsistent with FDA's statement in the preamble to the final rule that it was deferring action on the issue of the lakes, and that the lakes issue would be addressed in a future Federal Register publication. CCMA contended that amendment of § 82.705 without providing a statement of reasons was arbitrary.

FDA disagrees with this comment. As explained in response to comment 2, FDA has in fact deferred action on lakes because of its continuing uncertainty about how to certify lakes.

Section 82.705, the section cited in the comment, is of limited significance. Sections 82.51 and 82.1051 establish certain general specifications for provisionally listed lakes and limit the straight color additives that can be used to make such lakes to those that are listed in Part 82. Section 82.705 simply lists FD&C Yellow No. 5 as one such color additive. FDA amended § 82.705 in the September 4, 1985, final rule to

reference § 74.2705, rather than § 74.705, to ensure that § 82.705 reflected the new, more complete, and more accurate description of the color additive.

4. The Hilton-Davis Chemical Co., a manufacturer of FD&C Yellow No. 5, objected to the general description of permitted manufacturing processes set forth in § 74.2705(a). It stated that the description, which FDA intended to encompass manufacturing processes currently in use, is too restrictive and actually excludes a process that has been on file with FDA since 1978. The comment requested that the term "carboxylic acid" in the third sentence of § 74.2705(a) be changed to "carboxylic acid derivative," and that the word "precipitated" in the fourth sentence be changed to "isolated."

The agency agrees that the manufacturing process that uses a simple carboxylic acid derivative, such as a salt or the methyl or ethyl ester of this substance, is essentially the same as the one that FDA described in the September 4, 1985, rule, and that such a process would not produce impurities that FDA has not previously considered. FDA concludes that either the carboxylic acid described in the regulation or any of these simple derivatives of the acid should be permitted as a reactant.

FDA's use of the term "precipitated" was intended to describe a purification step. The agency sees no need to exclude other potentially advantageous methods for purifying the color additive. Therefore, FDA is amending § 74.2705(a) by adding the phrase "or the methyl ester, the ethyl ester, or a salt of this carboxylic acid" and by replacing the word "precipitated" with the term "purified and isolated." Elsewhere in this issue of the Federal Register, FDA is making the same changes in § 74.705(a)(1) in a rule establishing a single identity and set of specifications for all uses of FD&C Yellow No. 5.

5. HRG objected to the specification for FD&C Yellow No. 5 that would allow lower sulfonated forms of this color additive in amounts up to 0.5 percent of the additive. HRG hypothesized that one of these lower sulfonated forms will release aniline in the intestine in amounts up to 0.15 percent of the additive. HRG contended that because FDA set a specification for aniline at 100 parts per billion, the lower sulfonated forms of the color additive must be decreased by a factor of 15,000 to meet the aniline specification.

The agency disagrees with this objection for three reasons. First, the objection is based solely on speculation concerning the conversion of lower

sulfonated forms of FD&C Yellow No. 5 to aniline and the systemic absorption of that aniline. The agency knows of no data relevant to the question of whether, and to what extent, lower sulfonated forms of FD&C Yellow No. 5, present in the intestines in concentrations that would occur from consuming food, drugs, and cosmetics, would be converted to aniline by intestinal microorganisms. Similarly, the agency knows of no data that would indicate the extent to which aniline released in the intestine would be absorbed systemically. The only data directly related to this question are the animal feeding studies evaluating the safety of FD&C Yellow No. 5 that were sponsored by CCMA, and these studies showed no carcinogenic effect.

Second, the objection fails to note that the specification that FDA adopted for aniline is based on current good manufacturing practice, not on the maximum amount of this substance that could be tolerated for safety reasons. The risk posed by the aniline in FD&C Yellow No. 5 is very small. The agency did not establish the specification for aniline because a higher level of this chemical would necessarily make the color unsafe. The agency set this specification at 100 parts per billion to reflect the levels of aniline found in 25 batches of FD&C Yellow No. 5, including the batch used for toxicity testing, that are representative of the color additive that is produced under current good manufacturing practice. A higher level of aniline in a batch of this color additive could mean that significant changes had been made in the manufacturing process. Such changes would raise questions about whether new impurities are present that had not been considered during FDA's safety evaluation and specification development for the color additive. Thus, the aniline specification helps to assure that new batches of the color additive are of the same purity as the batch that has been shown to be safe in appropriate testing.

Third, even under worst-case assumptions, the risk calculated for human exposure to aniline from lower sulfonated forms of FD&C Yellow No. 5 is trivially small. Assuming 100 percent release of aniline followed by 100 percent absorption assures that the risk will not be underestimated. If anything, this assumption is likely to lead to an overestimate. Nevertheless, in evaluating this objection, the agency has considered such a speculative worst-case scenario.

In the final rule, the agency estimated a maximum lifetime cancer risk of $4 \times$

10^{-11} (4 in 100 billion) from the consumption of FD&C Yellow No. 5 containing 100 parts per billion aniline for a lifetime. In addition, the agency established a specification for lower sulfonated subsidiary color at 0.5 percent of the color additive. Typical values, however, are likely to be about 0.1 percent.

The aniline based subsidiary color consists of approximately 23 percent aniline by weight. If one assumes that essentially all of the 0.1 percent lower sulfonated subsidiary color is an aniline subsidiary color, and that all available aniline is released upon reduction by intestinal microorganisms, the aniline released would be 230 parts per million of the additive or 2,300 times more than that allowed by the specification. Even using these multiple worst-case assumptions, the maximum risk would be 2,300 times greater than the 4 in 100 billion estimated for free aniline or approximately 9 in 100 million.

If the aniline based lower subsidiary color was present at a level of 0.5 percent, the maximum level of the specification, the risk would still be less than 1 in 1 million. Based on this analysis, the agency concludes that use of FD&C Yellow No. 5 that meets the specifications is safe.

6. HRG also objected to the permanent listing of FD&C Yellow No. 5 because many people display allergic type responses to the color additive. HRG cited a recent publication (Ref. 8) that estimated that 0.06 to 0.24 percent of the population may be sensitive to tartrazine as a basis for its estimate that 300,000 Americans might be allergic to the color additive. HRG stated that labeling is not adequate to protect sensitive individuals consuming products outside their home. After the objection period ended, FDA received a letter that related to this issue from the Joint Council on Allergy and Immunology. This letter requested that uses of this color additive in food and ingested drugs be prohibited because of such sensitivity reactions. The letter did not submit new data, however.

The agency has previously addressed this concern by requiring identification of this color additive on product labels. (See 42 FR 6835, February 4, 1977, 44 FR 37212, June 26, 1979; 21 CFR 74.705(d)(2) and 74.705(c).) In the rulemaking in which the agency established that requirement, FDA estimated that 47,000 to 94,000 persons were sensitive to FD&C Yellow No. 5. Among the factors that the agency considered were the severity of reactions by sensitive persons, the protection offered by a label declaration or warning statement,

the number of sensitive persons, the availability of products without the color additive, and the importance of color for distinguishing drugs.

HRG has not submitted, nor is the agency aware of, any data that would indicate that FD&C Yellow No. 5 would cause serious irreversible injury to persons unaware that they are sensitive to this color additive. Susceptible persons are likely to be selective about the food, cosmetics, and over-the-counter drugs that they use. Likewise, their physicians are likely to consider such intolerance in prescribing drugs. Thus, an appropriate label declaration enables those persons sensitive to FD&C Yellow No. 5 to recognize those products that contain this color additive. This recognition is likely to extend to products consumed outside the home (e.g., restaurant food) because the consumer will recognize the type of product as one that is likely to contain FD&C Yellow No. 5 and will also recognize the identifiable yellow color.

In 1979, FDA concluded that comments on the 1977 proposal did not provide any data that demonstrated that a total or partial ban on the use of FD&C Yellow No. 5 was needed to protect susceptible persons. To the contrary, many comments, including several comments from persons sensitive to the color additive, suggested that label declaration would be adequate.

Although the article that HRG cited was published after the agency's previous actions, it is a review article that provides no new factual data that would call into question FDA's previous decision that labeling provides an adequate safeguard for those sensitive to FD&C Yellow No. 5.

The author's estimate of the fraction of the population that may be sensitive to FD&C Yellow No. 5 is different from that used by FDA primarily because the author used a different estimate for the incidence of asthma in the population. Such estimates are not precise, and it is not clear that the asthmatic population is even an appropriate group for estimating the number of sensitive individuals (Ref. 9).

Recent reevaluation of this issue by an FDA advisory committee provides added support that labeling is adequate to protect sensitive individuals. In March 1985, the Department of Health and Human Services established an Ad Hoc Advisory Committee on Hypersensitivity to Food Constituents to evaluate data relevant to allergic-type reactions in humans that were associated with food constituents.

On May 8 and 9, 1986, the committee met to review all available data and

make recommendations concerning hypersensitivity to certain food additives and color additives, including FD&C Yellow No. 5. After review and discussion of the scientific literature on hypersensitivity to FD&C Yellow No. 5, the committee concluded that FD&C Yellow No. 5 may cause mild cases of urticaria (hives) in a small subset of the population, usually not requiring medical intervention, but that there are no conclusive data to indicate that the color additive can provoke attacks of bronchial asthma. The committee found no evidence that the color additive constitutes a hazard to the general public when used in food at its current levels (Ref. 9).

Although the committee's conclusions were based on human exposure to FD&C Yellow No. 5 in food, they are relevant to the current issue of the use of this color additive in cosmetics and in externally applied drugs. The agency has no information to indicate that these uses of FD&C Yellow No. 5 constitute a hazard to the public. Therefore, the agency rejects this objection.

7. HRG stated that FD&C Yellow No. 5 is mutagenic in the Ames assay in conjunction with visible light. HRG stated that this phototoxicity is consistent with a study in which houseflies sensitized by FD&C Yellow No. 5 were killed by light, and that photoexcited tartrazine (FD&C Yellow No. 5) damaged red blood cell membranes. HRG stated that because of studies showing chromosomal damage and light-coupled mutagenicity, and because of its previously discussed concerns about allergic-type reactions, FDA should ban the color additive.

In one study cited by HRG (Ref. 10), Ishidate et al. reported the occurrence of chromosomal aberrations in Chinese hamster fibroblast cells when treated in vitro with high concentrations of tartrazine. However, in the same publication, the authors reported that tartrazine was negative in the mouse micronucleus test, a highly sensitive in vivo test for assessing potential to induce chromosomal damage. In another study cited by HRG (Ref. 11), Patterson and Butler reported chromosomal damage in *M. muntjac* (Indian deer) cells treated for long periods of time in vitro with tartrazine. (FD&C Yellow No. 5 is the name given to a batch of tartrazine that has been certified by FDA to meet purity specifications. FDA does not know whether the samples used in these studies were certified batches of tartrazine.)

FDA had reviewed these two studies in 1985 as part of its evaluation of the safety of FD&C Yellow No. 5, before issuing its final rule. The agency would

have been concerned about the safety of FD&C Yellow No. 5 if chromosomal aberrations of the type reported in cultured cells had occurred in vivo. Chromosomal abnormalities are among the most important causes of reproductive loss of fetal wastage among humans (Ref. 12).

However, the agency found no evidence of fetal wastage or reproductive problems from studies, submitted with the petition, in animals tested at extremely high dosages of this color additive, and no positive effects in other short-term mutagenicity tests designed to detect gene mutation or direct interaction with deoxyribonucleic acid (DNA) (Ref. 13). A multigeneration study in rats in which the animals were exposed to FD&C Yellow No. 5 at 750 milligrams per kilogram body weight per day for three generations, as well as teratology studies in both rats and rabbits with doses as high as 1,000 milligrams per kilogram body weight per day, revealed no adverse effects on reproduction (Ref. 13). In addition, state-of-the-art, lifetime oral feeding studies of FD&C Yellow No. 5 (sponsored by CCMA) with concentrations in the diet as high as 5 percent have demonstrated no carcinogenic effects in mice or rats (in utero exposure). Similarly, other long-term feeding studies in rats, mice, and dogs, a skin-painting study in mice, chronic subcutaneous injections in rats, and a tumorigenicity study in newborn hamsters (parenteral injections) revealed no evidence of tumorigenicity associated with this color additive.

On the basis of all the evidence, the agency concludes that the lack of effects in existing in vivo studies as well as in other in vitro tests with relevant end points provides adequate assurance of the safety of this color additive. Because of the extensive animal testing showing no adverse effects, the agency also concludes that the reports of phototoxicity during in vitro studies with salmonella or red blood cells do not raise a serious human safety concern (Refs. 13 and 14).

FDA has reviewed the report on houseflies killed by light after ingesting color additives and finds no evidence that FD&C Yellow No. 5 was even among the color additives tested. In the study cited (Ref. 15), the authors tested 14 batches of dyes, all but 2 (FD&C Violet No. 1 and FD&C Red No. 2) being reported as members of the xanthene class. The authors referred to tests in flies fed "D&C Yellow No. 5, xanthene class," but they did not mention FD&C Yellow No. 5, which is not a member of the xanthene class. Because the report does not indicate that FD&C Yellow No.

5 was tested, FDA rejects HRG's objection as irrelevant.

III. Conclusion

The agency has completed its evaluation of the objections and concludes, for the reasons discussed in this document, that the objection from CCMA (concerning specifications, analytical methodology, and lakes) and the objection from HRG (concerning lower sulfonated forms of the color additive, allergic reactions, and mutagenicity) do not require any change in the regulation permanently listing FD&C Yellow No. 5 as a color additive for use in externally applied drugs and in cosmetics generally. FDA also concludes that the objection by Hilton-Davis to the general description of permitted manufacturing processes is correct, and the agency is modifying § 74.2705 accordingly. No requests for a hearing were received in response to the listing regulation. Therefore, this document terminates the stay of the regulation and confirms the effective date of October 7, 1985, for all portions of the final rule except the description of the manufacturing process modified in the final rule.

The agency, however, will apply the specifications for FD&C Yellow No. 5 established in § 74.2705 only prospectively rather than retroactively to October 7, 1985. The specifications for the provisional listing of the color additive that are different from those proposed for the permanent listing of FD&C Yellow No. 5 remained in effect until the publication of this document. They were, thus, the appropriate standards to judge those batches of FD&C Yellow No. 5 submitted for certification between the publication of the final rule and the publication of this document. Elsewhere in this issue of the **Federal Register**, FDA is establishing the same specifications for FD&C Yellow No. 5 used in food and ingested drugs as those for cosmetics and externally applied drugs confirmed in this document. That rule will become effective on August 7, 1986. FDA intends to certify batches of FD&C Yellow No. 5 by only one set of specifications. FDA will use the older specifications until the regulation amending the specifications for the color additive to be used in food and ingested drugs is effective.

IV. References

The following information has been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons

between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum of Telephone Conversation between Daniel R. Thompson, Counsel, CCMA and Gerard L. McCowin, FDA, January 10, 1984.

2. Letter and attachments from Gerard L. McCowin to Daniel R. Thompson, May 3, 1984.

3. Memorandum, Chemist, Division of Color Technology, the Chief, Division of Color Technology, "Trip to Cincinnati to Assist CCMA-SAM Members in the Application of Aromatic Amine Methodology to Certifiable Color Additives," July 1, 1985.

4. Bailey, Jr., J.E., "Determination of Unsulfonated Aromatic Amines in D&C Red No. 33 by the Diazotization and Coupling Procedure Followed by Reversed-Phase Liquid Chromatographic Analysis," *Analytical Chemistry*, 57:189-198, 1985.

5. Bailey, Jr., J.E., "Determination of 1,3-Diphenyltriazene and Azobenzene in D&C Red No. 33 by Solvent Extraction and Reversed-Phase High-Performance Liquid Chromatography," *Journal of Chromatography*, 321:185-197, 1985.

6. Richfield-Fratz, N., J.E. Bailey, Jr., and C. J. Bailey, "Determination of Unsulfonated Aromatic Amines in FD&C Yellow No. 6 by the Diazotization and Coupling Procedure Followed by Reversed-Phase High-Performance Liquid Chromatography," *Journal of Chromatography*, 331:109-123, 1985.

7. Bailey, Jr., J.E., and C.J. Bailey, "Determination of Aromatic Amines in FD&C Yellow No. 5 by Diazotization and Coupling Followed by Reversed-Phase HPLC," *Talanta*, 32:875-882, 1985.

8. Hesser, L., "Tartrazine on Trial," *Food Chemical Toxicology*, 22:1019-1026, 1984.

9. Transcript, Meeting of Advisory Committee on Hypersensitivity to Food Constituents, pp. 42-44, 186-190, May 8-9, 1986.

10. Ishidate, Jr., M., et al., "Primary Mutagenicity Screening of Food Additives Currently Used in Japan," *Food Chemical Toxicology*, 22:623-636, 1984.

11. Patterson, R.M., and J.S. Butler, "Tartrazine Induced Chromosomal Aberrations in Mammalian Cells," *Food Chemical Toxicology*, 20:461-465, 1982.

12. Alberman, E.D. and M.R. Creasy, "name of article?" *Journal of Medical Genetics*, 14:313-315, 1977.

13. Memorandum, Director, Office of Toxicological Sciences, to Director, Office of Compliance, "Response to HRG on FD&C Yellow No. 5 Mutagenicity Questions," December 19, 1985.

14. Merville, M.P., et al., "Phototoxic Potentialities of Tartrazine; Screening Test," *Photochemistry and Photobiology*, 40:221-226, 1984.

15. Yoho, T.P., et al., "Photodynamic Killing of Houseflies Fed Food, Drug, and Cosmetic Dye Additives," *Environmental Entomology*, 5:203-204, 1976.

Objections to or requests for a public hearing on the modifications in § 74.2705(a) as set forth in this document may be submitted under §§ 12.20 through 12.22 (21 CFR 12.20 through

12.22). The amended portions of § 74.2705(a) shall become effective on August 7, 1986, except as to any provisions that may be stayed by the filing of proper objections. Until that time, the identity prescribed by the listing regulation of September 4, 1985 (50 FR 35774), is in effect.

Any person who will be adversely affected by the amendments to § 74.2705(a) may at any time on or before August 6, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

List of Subjects

21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

21 CFR Part 81

Color additives, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the transitional provisions of the Color Additive Amendments of 1960, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Chapter I is amended as follows:

1. The stay of effectiveness of §§ 74.1705, 74.2705, and 82.705 is terminated.

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

2. The authority citation for 21 CFR Part 74 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

3. By revising § 74.2705(a) to read as follows:

§ 74.2705 FD&C Yellow No. 5.

(a) *Identity*. The color additive FD&C Yellow No. 5 is principally the trisodium salt of 4,5-dihydro-5-oxo-[1-(4-sulfophenyl)-4-[(4-sulfophenyl)azo]-1H-pyrazole-3-carboxylic acid (CAS Reg. No. 1934-21-0). To manufacture the additive, 4-aminobenzenesulfonic acid is diazotized using hydrochloric acid and sodium nitrite. The diazo compound is coupled with 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid or with the methyl ester, the ethyl ester, or a salt of this carboxylic acid. The resulting dye is purified and isolated as the sodium salt.

* * * * *

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

4. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 as amended (21 U.S.C. 376, note); 21 CFR 5.10.

§ 81.1 [Amended]

5. Part 81 is amended in § 81.1 *Provisional lists of color additives* by removing the entry for "FD&C Yellow No. 5" from the table in paragraph (a).

§ 81.27 [Amended]

6. In § 81.27 *Conditions of provisional listing* by removing the entry for "FD&C Yellow No. 5" from the table in paragraph (d).

Dated: July 1, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

FR Doc. 86-15246 Filed 7-2-86; 11:32 am]

BILLING CODE 4160-01-M

21 CFR Parts 520 and 522

Animal Drugs, Feeds, and Related Products; Naproxen Granules, Naproxen for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by Syntex Corp., providing for the use in horses of naproxen granules for top-dressing and lyophilized naproxen powder to prepare sterile aqueous injection. The drugs are used for relief of inflammation and associated pain and lameness exhibited with arthritis, as well as myositis and other soft tissue diseases of the musculoskeletal system of the horse. Also, the regulation providing for the use of an outdated product, naproxen solution, is being removed.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed supplements to NADA's 96-674, naproxen (Equiproxen®) granules, and 96-675, naproxen (Equiproxen®) for injection, providing for the use of the drug in horses for relief of inflammation and associated pain and lameness exhibited with arthritis in addition to their existing approval for use with myositis and other soft tissue diseases of the musculoskeletal system. The supplements are approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In addition, at the time of approval of the lyophilized naproxen powder for use when reconstituted as an aqueous equine injection, the firm informed the agency that the new product superseded the approved injectable solution. The agency is now removing that portion of the regulation providing for the antiquated product. The regulation for naproxen for injection is also being revised to reflect current nomenclature.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25) that was published in the *Federal Register* of April 26, 1985 (50 FR 16636, effective July 25, 1985).

List of Subjects in 21 CFR Parts 520 and 522

Animal drugs.
Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 520 and 522 are amended as follows:

**PART 520—ORAL DOSAGE FORM
NEW ANIMAL DRUGS NOT SUBJECT
TO CERTIFICATION**

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 520.1468 is amended by revising paragraph (c)(1) to read as follows:

§ 520.1468 Naproxen granules.

(c) *Conditions of use.*—(1) *Horses.* The drug is used for the relief of inflammation and associated pain and lameness exhibited with arthritis, as well as myositis and other soft tissue diseases of the musculoskeletal system of the horse.

**PART 522—IMPLANTATION OR
INJECTABLE DOSAGE FORM NEW
ANIMAL DRUGS NOT SUBJECT TO
CERTIFICATION**

3. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

4. Part 522 is amended by removing § 522.1468 and 522.1468a, by redesignating § 522.1468b as § 522.1468 and revising its section heading and paragraph (c)(2) to read as follows:

§ 522.1468 Naproxen for injection.

(c) * * *
(2) *Indications for use.* For the relief of inflammation and associated pain and lameness exhibited with arthritis, as well as myositis and other soft tissue diseases of the musculoskeletal system of the horse.

Dated: June 30, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-15133 Filed 7-3-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

**Occupational Safety and Health
Administration**

29 CFR Ch. XVII

Citations of Authority

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; technical amendments.

SUMMARY: This notice amends 29 CFR Parts 1901 through 1990 by providing citations of authority on a Part or Subpart basis for all regulations in these Parts, and deleting all statutory and executive delegation citations which are currently provided at the Section level. These technical amendments, which are provided in accordance with regulations issued by the Office of the Federal Register in Subpart B of 1 CFR Part 21, make no substantive changes in the regulations contained in Parts 1901 through 1990.

DATES: The amendments in this notice are effective June 30, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, OSHA, U.S. Department of Labor, Office of Public Affairs, Room N-3641, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: On March 23, 1985, the Office of the Federal Register (OFR) promulgated regulations which require agencies to revise their citations of authority for all agency rules which are published in the Code of Federal Regulations (CFR). These new requirements, which are found in Subpart B of 1 CFR Part 21, are generally directed at the publication of proposed and final rules documents. However, agencies are also required to revise their authority citations for regulations currently in CFR, but which are not the

subject of rulemaking activity at present. OFR allows agencies to prepare their authority citations on either a Part or Subpart basis, depending upon the complexity of organization and subject matter in the agency's regulations.

This notice provides revised authority citations for all of the CFR Parts in Title 29 which are within the purview of OSHA: Parts 1901 through 1905; 1907, 1908, 1910 through 1913; 1915; 1917 through 1922; 1924 through 1926; 1928; 1949 through 1956; 1960; 1975; 1977 and 1990. Because these amendments make no substantive change in the regulations contained in the affected Parts, they are made effective immediately. All citations of authority presently located at the section or paragraph level within the affected Parts will be removed. The information contained in those citations will now be found at either the beginning of the Part or the beginning of the Subpart in which the regulations are found.

This Notice was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to section 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657), Secretary of Labor's Order No. 9-83 (48 FR 35736), and 1 CFR Part 21.

Therefore, Title 29 of the Code of Federal Regulations is hereby amended as set forth below.

Signed at Washington, DC, this 30th day of June, 1986.

John A. Pendergrass,
Assistant Secretary of Labor.

Title 29 of the Code of Federal Regulations is amended as follows:

CHAPTER XVII—[AMENDED]

1. All authority citations contained at the subpart section or paragraph level in Parts 1901 through 1990 are removed.

PARTS 1901 AND 1902—[AMENDED]

2. The authority citations for Parts 1901 and 1902 are revised to read as follows:

Authority: Secs. 8, 18, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 667).

PART 1903—[AMENDED]

3. The authority citation for Part 1903 is revised to read as follows:

Authority: Secs. 8, 9, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

Section 1903.7 also issued under 5 U.S.C. 553.

PART 1904—[AMENDED]

4. The authority citation for Part 1904 is revised to read as follows:

Authority: Secs. 8, 24, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 673); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

Section 1904.7 also issued under 5 U.S.C. 553.

PART 1905—[AMENDED]

5. The authority citation for Part 1905 is revised to read as follows:

Authority: Secs. 6, 8, 16, Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 657, 665), Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736) as applicable.

PART 1907—[AMENDED]

6. The authority citation for Part 1907 is revised to read as follows:

Authority: Sec. 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 657); section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secretary of Labor's Order No. 12-71 (36 FR 8754).

PART 1908—[AMENDED]

7. The authority citation for Part 1908 is revised to read as follows:

Authority: Secs. 7, 21, Occupational Safety and Health Act of 1970 (29 U.S.C. 656, 670); Secretary of Labor's Order No. 9-83 (48 FR 35736).

PART 1910—[AMENDED]

8. The authority citation at the beginning of Part 1910 is removed, and authority citations provided for each Subpart of Part 1910, as follows:

a. An authority citation is added to Subpart A of Part 1910, to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

Section 1910.6(a) also issued under 29 CFR Part 1911.

b. The authority citation for Subpart B of Part 1910, is revised to read as follows:

Authority: Secs. 4, 6 and 8 of the Occupational Safety and Health Act, 29 U.S.C. 653, 655, 657; Walsh-Healey Act, 41 U.S.C. 35 et seq; Service Contract Act of 1965, 41 U.S.C. 351 et seq; sec. 107, Contract Work Hours and Safety Standards Acts (Construction Safety Act), 40 U.S.C. 333; sec. 41, Longshoremen's and Harbor Workers'

Compensation Act, 33 U.S.C. 941; National Foundation of Arts and Humanities Act, 20 U.S.C. 951 et seq.; Secretary of Labor's Order No. 12-71 (36 FR 8754); 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable; and 29 CFR Part 1911.

Sections 1910.16 and 1910.19 also issued under 29 CFR Part 1911.

c. An authority citation is added to Subpart C of Part 1910, to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 8-76 (41 FR 25059); 5 U.S.C. 553; 29 CFR Part 1911.

d. An authority citation is added to Subpart D of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

Sections 1910.23, .24, .25, .26 and .28 also issued under 29 CFR Part 1911.

e. An authority citation is added to Subpart E of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736) as applicable.

Sections 1910.35, .37, .38 and .40 also issued under 29 CFR Part 1911.

f. An authority citation is added to Subpart F of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.66, .67, .68 and .70 also issued under 29 CFR Part 1911.

g. An authority citation is added to Subpart G of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.94 and 1910.99 also issued under 29 CFR Part 1911.

h. An authority citation is added to Subpart H of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.106, .107, .108 and .109 also issued under 29 CFR Part 1911.

i. Authority citations are added to Subparts I, K, M, and Q of Part 1910 as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

j. An authority citation is added to Subpart J of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order Nos. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736) as applicable.

Section 1910.141 also issued under 29 CFR Part 1911.

k. An authority citation is added to Subpart L of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.158, .159, .160 and .161 also issued under 29 CFR Part 1911.

1. An authority citation is added to Subpart N of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.177, .178, .179, .183, .184, .189 and .190 also issued under 29 CFR Part 1911.

m. An authority citation is added to Subpart O of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Section 1910.217 also issued under 29 CFR Part 1911.

n. An authority citation is added to Subpart P of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Section 1910.243 also issued under 29 CFR Part 1911.

o. An authority citation is added to Subpart R of Part 1910 to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.261, .262, .265, .267, .268, .269, .274 and .275 also issued under 29 CFR Part 1911.

p. The authority citation for Subpart S of Part 1910 is revised to read as follows:

Authority: Secs. 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1911.

q. The authority citation for Subpart T of Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); Secretary of Labor's Order No. 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1911.

r. The authority citation for Subpart Z of Part 1910 is revised to read as follows:

Authority: Secs. 6, 8, Occupational Safety and Health Act (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable; and 29 CFR Part 1911.

Section 1910.1000 Tables Z-1, Z-2, Z-3 also issued under 5 U.S.C. 553.

Section 1910.1000 not issued under 29 CFR Part 1911, except for "Arsenic" and "Cotton Dust" listings in Table Z-1.

Section 1910.1001 also issued under Sec. 107 of Contract Work Hours and Safety Standards Act, 40 U.S.C. 333.

Section 1910.1002 not issued under 29 U.S.C. 655 or 29 CFR Part 1911; also issued under 5 U.S.C. 553.

Sections 1910.1003 through 1910.1018 also issued under 29 U.S.C. 653.

Section 1910.1025 also issued under 29 U.S.C. 653 and 5 U.S.C. 553.

Section 1910.1043 also issued under 5 U.S.C. 551 et seq.

Sections 1910.1045 and 1910.1047 also issued under 29 U.S.C. 653.

Sections 1910.1499 and 1910.1500 also issued under 5 U.S.C. 553.

9. The authority citation for Part 1911 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secs. 1, 4, Walsh-Healey Public Contracts Act (41 U.S.C. 35, 38); Secs. 2, 4, Service Contracts Act of 1965 (41 U.S.C. 351, 353); Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); Sec. 5(j)(2), National Foundation on Arts and Humanities Act (20 U.S.C. 954(j)(2)); 5 U.S.C. 553; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable. Sections 1911.12 and 1911.18 also issued under 29 CFR Part 1911.

PART 1912—[AMENDED]

10. The authority citation for Part 1912 is revised to read as follows:

Authority: Secs. 4, 6, 7, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 656, 657); Federal Advisory Committee Act (5 U.S.C. App. 1); sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

PART 1912a—[AMENDED]

11. The authority citation for Part 1912a is revised to read as follows:

Authority: Secs. 7, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 656, 657); Federal Advisory Committee Act (5 U.S.C. App. 1); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

PART 1913—[AMENDED]

12. An authority citation for Part 1913 is added, to read as follows:

Authority: Sec. 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 657); sec. e, Privacy Act (5 U.S.C. 552a(e)); 5 U.S.C. 301.

PART 1915—[AMENDED]

13. The authority citation for Part 1915 is revised to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1911.

PART 1917—[AMENDED]

14. The authority citation for Part 1917 is revised to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1911.

PART 1918—[AMENDED]

15. The authority citation for Part 1918 is revised to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

PART 1919—[AMENDED]

16. The authority citation for Part 1919 is revised to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

PART 1920—[AMENDED]

17. The authority citation for Part 1920 is revised to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); sec. 6, Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

PART 1921—[AMENDED]

18. The authority citation for Part 1921 is revised to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. 301.

PART 1922—[AMENDED]

19. The authority citation for Part 1922 is revised to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. 301.

PART 1924—[AMENDED]

20. The authority citation for Part 1924 is revised to read as follows:

Authority: Secs. 12, 13, Vocational Rehabilitation Act Amendments of 1965 (29 U.S.C. 41a, 41b).

PART 1925—[AMENDED]

21. The authority citation for Part 1925 is revised to read as follows:

Authority: Service Contracts Act of 1965 (41 U.S.C. 351 et seq.); 5 U.S.C. 301.

PART 1926—[AMENDED]

22. The authority citation at the beginning of Part 1926 is removed, and authority citations are provided for each Subpart of Part 1926 as follows:

a. An authority citation is added to Subparts A and B of Part 1926, to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333).

b. Authority citations are added to Subparts C, D, E, F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U, V, and W of Part 1926, to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

c. An authority citation is added to Subpart M of Part 1926, to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736). Sections 1926.500(g) and 1926.502(p) also issued under 29 CFR Part 1911. Appendix A also issued under 29 CFR Part 1911.

d. An authority citation is added to Subpart X of Part 1926, to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754).

PART 1928—[AMENDED]

23. The authority citation for Part 1928 is revised to read as follows:

Authority: Secs. 6 and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 657); Secretary of Labor's Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1911.

PART 1949—[AMENDED]

24. The authority citation for Part 1949 is revised to read as follows:

Authority: Secs. 8, 26, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 670); 31 U.S.C. 9701; Secretary of Labor's Order No. 9-83 (48 FR 35736).

PART 1950—[AMENDED]

25. The authority citation for Part 1950 is revised to read as follows:

Authority: Secs. 8, 23, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 672).

PART 1951—[AMENDED]

26. The authority citation for Part 1951 is revised to read as follows:

Authority: Secs. 8, 23, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 672).

PART 1952—[AMENDED]

27. The authority citation for Part 1952 is revised to read as follows:

Authority: Secs. 8, 18, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 667); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1902.

PART 1953—[AMENDED]

28. The authority citation for Part 1953 is revised to read as follows:

Authority: Secs. 8, 18, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 667);

Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

PARTS 1954, 1955, 1956—[AMENDED]

The authority citation for Parts 1954, 1955, and 1956 are revised to read as follows:

Authority: Secs. 8, 18, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 667); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

PART 1960—[AMENDED]

30. The authority citation for Part 1960 is revised to read as follows:

Authority: Secs. 19, 24, Occupational Safety and Health Act of 1970 (29 U.S.C. 668, 673); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable; E.O. 12196 (45 FR 12769).

PART 1975—[AMENDED]

31. The authority citation for Part 1975 is revised to read as follows:

Authority: Secs. 2, 3, 4, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 651, 652, 653, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754).

PART 1977—[AMENDED]

32. The authority citation for Part 1977 is revised to read as follows:

Authority: Secs. 8, 11, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 660); Secretary of Labor's Order No. 12-71 (36 FR 8754).

PART 1990—[AMENDED]

33. The authority citation for Part 1990 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 8-76 (41 FR 25059); 29 CFR Part 1911.

[FR Doc. 86-15126 Filed 7-3-86; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 86-23]

Temporary Regatta Regulation; Night in Venice, Great Egg Harbor Bay, Ocean City, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary regulation.

SUMMARY: The Coast Guard is temporarily changing the effective date for the regulation governing the annual Night in Venice boat parade sponsored by the City of Ocean City, New Jersey. This boat parade is normally held on the fourth Saturday in July but this year has been scheduled for July 19, 1986 which is the third Saturday in July. This temporary regulation will establish the effective date for this year without necessitating a change to the permanent regulation in 33 CFR 100.303.

DATES: This temporary regulation is effective on July 19, 1986 beginning at 6:00 p.m. and terminating on the same day at 11:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Lucas A. Dlhopsky, (212) 668-7974.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 533, a notice of proposed rulemaking has not been published for this regulation. Following normal rulemaking procedures is unnecessary. The permanent regulation for this regatta (33 CFR 100.303) provides notice that the dates may be changed by publication in the Third District Local Notice to Mariners and in a Federal Register notice. Due to time limitations this temporary regulation is being made effective less than 30 days from the date of publication. Little or no economic impact is anticipated because of the change of date by one week.

Drafting Information

The drafters of this notice are Mr. Lucas A. Dlhopsky, Project Officer, Third Coast Guard District Boating Safety Division, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

This year's Night in Venice boat parade is being held again on Great Egg Harbor Bay near Ocean City, New Jersey following the same procedures as in 1985. The Special Local Regulations for this regatta are set forth in 33 CFR 100.303. Only the effective period will be different from last year as provided in this temporary rule. Vessels requiring a variety of depths participate in this parade. Many portions of the parade route are too shallow at low tide. The sponsor selected the third Saturday in July instead of the fourth Saturday because of more favorable tide conditions.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

PART 100—[AMENDED]

Temporary Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.303(b) is revised to read as follows for July 19, 1986. Because this is a temporary rule, this revision will not appear in the Code of Federal Regulations:

§ 100.303 Night in Venice, Great Egg Harbor Bay, City of Ocean City, NJ.

(b) *Effective Period:* This regulation is effective from 6:00 p.m. to 11:00 p.m. on July 19, 1986.

Dated: June 19, 1986.

D.C. Thompson,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 86-15117 Filed 7-3-86; 8:45 am]

BILLING CODE 4910-14-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM86-3]

Practice and Procedure; Reporting and Record Keeping Requirements

Issued June 27, 1986

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Postal Rate Commission is amending Subpart G of the Rule of Practice and Procedure found in Part 3001 of Title 39 of the Code of Federal Regulations. Subpart G contains the rules applicable to the filing of periodic reports by the United States Postal Service. Since Subpart G was promulgated in 1976, Postal Service data collection and reporting systems have evolved with changes in technology and needs. The final rule updates the list of reports which must be filed by the Postal Services, eliminates the format requirements for that reporting and revises filing dates to reflect current practices. The rule emphasizes receipt of desired information without rigid format requirements.

On December 19, 1985 the Commission promulgated this rule as a proposed rule requesting comments. Three parties filed comments, Consumer Advocate of the Commission, United Parcel Service and the United States

Postal Service. The Consumer Advocate commented that "Automation Performance Recap" report should be included in Subpart G as a required report. The Postal Service responded that the report is no longer compiled. Therefore, no change in the rule is promulgated. United Parcel Service recommended that the rule contain language that copies of the reports be open to the public at the Commission library and filed in chronological order. These reports are available to the public at the Commission's Docket Room, and this notice is not needed in Subpart G of the Rules of Practice and Procedure. Finally, United Parcel Service requests that filing deadline dates be promulgated for two reports, Cost and Revenue Analysis and Cost Segments and Components. Specific deadlines were delineated in the old rule. In practice those deadlines did not assist the Commission to obtain timely filing of data. In this rule, "within two weeks of presentation for use by postal management" is the general standard filing deadline. The Commission believes that this general standard will be more useful than previous specific filing deadlines. The Commission will closely monitor compliance with this rule and will take appropriate action, including rulemaking, to insure timely filing of periodic reports by the Postal Service. Therefore, no change from the proposed rule is promulgated.

EFFECTIVE DATE: June 30, 1986.

FOR FURTHER INFORMATION CONTACT: Gerald E. Cerasale, Legal Advisor to the Chairman, Postal Rate Commission, 1333 H Street, N.W., Suite 300, Washington, D.C. 20268-0001; Telephone (202) 789-6868.

SUPPLEMENTARY INFORMATION: On December 19, 1985, the Commission issued a Notice of Proposed Rulemaking to amend Subpart G of the Rules of Practice and Procedure. Those rules were promulgated on October 29, 1976 and include a listing of periodic reports of the Postal Service which must be filed with the Secretary of the Commission and a timetable for such filing. Since 1976 the data gathering of the Postal Service has undergone many revisions. Some of the reports listed in the 1976 rule are no longer produced by the Postal Service and are not needed by Postal management.

The Commission has examined its data needs concerning those reports which are not produced and found, in most situations, that its data needs can be satisfied through other sources listed in the rule.

The rule changes the date for the Postal Service to file periodic reports to follow more logically the use of the reports within the management stream of the Postal Service, which should reduce the burdens on the Service in providing this information. The Commission's concerns that the provided information be understandable and conform to current Postal Service operations are reflected in this rule. In this light, the Commission has eliminated the format requirements in the former rule. In essence, the Commission seeks substance over form.

Comments to the proposed rulemaking of December 19, 1985, were filed by three parties, the Consumer Advocate of the Postal Rate Commission, United Parcel Service and United States Postal Service. The Consumer Advocate proposed that another report, "Automation Performance Recap", be added to the accounting period reports to be filed by the Postal Service. The Service, in its comments, stated that the "Automation Performance Recap" report is no longer produced. Although the Commission is very interested in automation performance and is concerned by the lack of information available on the subject, this rule covers periodic reports of the Postal Service, and this report is not produced periodically. Other rules cover requirements to produce other categories of Postal Service data. Automation performance data may well be the subject of rulemaking in the future. Therefore, the Commission has not included the Consumer Advocate's suggestion in this rule.

United Parcel Service suggested that the Commission include specific deadlines for Postal Service filing of two reports, Cost and Revenue Analysis, and Cost Segments and Components. United Parcel Service contends that these two reports are vital tools for evaluation of Postal Service performance. The Commission agrees that these two reports are quite important tools for evaluation. Just as these reports are important to United Parcel Service and the Commission, they provide important data to the Postal Service. Management should require timely production of these two reports in order to properly fulfill its obligations to the Postal Service and the American public. In this light, the Commission finds that the requirement of filing with the Commission "within two weeks of . . . presentation for use by postal management" is an adequate standard. The Commission will closely monitor compliance with the rule and will take appropriate action, including

rulemaking, if data are not filed with the Commission in a timely manner. This rule relies upon management need for information for businesslike operation of the Postal Service and prompt filing with the Commission. The previous rule did not always insure prompt filing of information, and this rule, based on management need, should eliminate many of the problems faced earlier. Therefore, the Commission has not included this suggestion by United Parcel Service in this final rule.

United Parcel Service also suggested that the rule include a requirement that copies of all information filed under Subpart G be on public file in the Commission library. United Parcel cited problems which its employees encountered obtaining information from the Postal Service library. All information filed with the Commission, except under *in camera* rules (39 CFR 3001.31a), is open to the public. There is no need to include a specific provision in Subpart G concerning public availability. These data have been and will be open for public inspection and copying at the Commission's Docket Office.

Note.—The Commission finds that this rule does not constitute a major rule change. The rule updates the current periodic reporting rule and would reduce the burden of compliance upon the Postal Service by requiring information in the format used by Postal management rather than in prescribed formats. The above analysis that the rule does not constitute a major rule change applies, as well, to the Regulatory Flexibility Act.

Section by Section Analysis

Section 3001.101 has added that reports are to be filed with the Secretary of the Commission.

Section 3001.102. The opening paragraph is eliminated, and replaced by a requirement that all reports be filed within two weeks of their presentation for use by Postal management. This standard is intended to insure that data currently in use by the Service are also available for the Commission. The new paragraph also requires that data contained in any named source continue to be supplied if the source is changed in future years.

(a) **Annual Reports.** (1) This section has been changed to reflect the new name of the report, Cost and Revenue Analysis, with the addition that the Postal Service will identify the changes in attribution assumptions from the prior year. The Postal Service will also include portions of LIOCATT, which were used in production of the report, and transportation workpapers 31 and 57. Data collection forms and

corresponding training handbooks, if changed, will be filed with the Secretary of the Commission.

(3) This report is duplicative of information provided pursuant to subsections (a)(1) and (11) of this Section. Thus, this requirement has been eliminated.

(4) The audited financial statements are included in the Postmaster General's Annual Report and we have eliminated this requirement.

(5) Nonvolume workload change reports are not generated outside of a rate case, and, therefore, the Commission will not require them to be filed periodically.

(6) For city delivery statistics national totals, the format has been dropped and replaced by a list of information required.

(7) For rural carrier national statistics, the format has been dropped and replaced by a list of information required.

(8) This section, calling for Regional Operating Plans Summaries, will be deleted.

(10) The Commission is adding the requirement that summary workpapers be included with the workers' compensation report.

(12) The annual budget has been changed to reflect the new title, Congressional Budget Submission. The Commission has also required workpapers to accompany that submission. In addition to the Budget Submission the Postal Service will provide summary Tables SE 1, 2 and 6.

New Sections. The Commission has added a new section which requires production of the Audit Adjustment Vouchers, if any.

(b) **Quarterly Reports.**

(3) This report, *Cost Reduction Programs/Tracking System*, is no longer produced and is not longer required.

(c) **Accounting Period Data**

New Section. The Commission has added the National Consolidated Trial Balances and the Revenue and Expense Summary. These reports have been routinely provided to the Commission by the Postal Service, and the Commission is merely adding them to this list.

(d) **Miscellaneous reports.** (3) This section has been rewritten to require simply a list be filed with the Secretary of the Commission as it changes.

(e) **Formats for Filing Certain Periodic Reports.** This entire section has been eliminated in the proposed rule to reflect the desire of the Commission to receive promptly information which is understandable and reflects current operations. Since the Postal Service's operations, data collection and data

production have evolved, its data reports have changed. The formats required in the current rule have tended to delay the provision of the information to the Commission. Elimination of this section will hopefully speed the delivery of information to the Commission, and, therefore, to the public.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Commission proceedings—data requirements.

PART 3001—RULES OF PRACTICE AND PROCEDURE

The authority citation for Part 3001 continues to read as follows:

Authority: 39 U.S.C. 3603, 3622–3624.

For the reasons stated above, the Commission amends 39 CFR §§ 3001.101 and 3001.102 as follows:

§ 3001.101 [Amended]

Section 3001.101 is amended so that the phrase "file with the Commission" is changed to "file with the Secretary of the Commission".

Section 3001.102 is revised to read in its entirety:

§ 3001.102 Filing of reports.

Each report listed in this section shall be filed with the Secretary of the Commission within two weeks of its presentation for use by postal management unless otherwise noted. The reports and information required to be provided by this subpart need not include matters exempt from disclosure by law. Whenever a specific source is cited in this section, that citation includes any successor or substituted source.

(a) *Annual reports.* The following information will be filed by the Postal Service annually.

(1) Cost and Revenue Analysis Report which will identify each change in attribution assumptions from the previous year's report. The Postal Service will file concurrently portions of LIOCAT used in the report, transportation workpapers 31 and 57 and, if changed from the previous year, data collection forms and corresponding training handbooks.

(2) Cost Segments and Components.

(3) City Delivery Information including the number of routes by type, the number of possible deliveries by

type, the number of collection boxes and businesses served (120 days from the close of the fiscal year).

(4) Rural Carrier Information including the number of routes by type and miles, stops, boxes served and mail pieces by route type (120 days from the close of the fiscal year).

(5) Civil Service Retirement Fund Deficit Report (2 weeks after release of the Annual Report of the Postmaster General).

(6) Worker's Compensation Report including summary workpapers (2 weeks after release of the Annual Report of the Postmaster General).

(7) Annual Report of the Postmaster General.

(8) Congressional Budget Submission including workpapers. The Postal Service will also file concurrently Summary Tables SE 1, 2 and 6 (coincide with submission to Congress).

(9) Audit Adjustment Vouchers, if any.

(b) *Quarterly reports.* The following information will be filed by the Postal Service quarterly:

(1) Revenue, Pieces and Weight by Classes of Mail and Special Services.

(2) Origin/Destination Information Report National Service Index.

(3) Investment Income Statements (60 days from the close of the Quarter, except for the last report for the fiscal year—2 weeks after release of the Annual Report of the Postmaster General).

(c) *Accounting period reports.* The following information will be filed by the Postal Service each accounting period:

(1) Cash Flow Statement (60 days from the close of the Accounting Period, except for the last report for the fiscal year—2 weeks after release of the Annual Report of the Postmaster General).

(2) Summary Financial and Operating Report.

(3) National Payroll Hours Summary.

(4) National Consolidated Trial Balances and the Revenue and Expense Summary.

(d) *Miscellaneous reports.* The following information will be provided by the Postal Service as updated:

(1) Before/After Pay Increase Reports.

(2) Before/After COLA Cost Report.

(3) A master list of publications and handbooks including those related to internal information systems or data collection procedures (when changed).

(4) Notices of Changes in Data Reporting Systems (90 days before implementing changes in data reporting systems).

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 86-15152 Filed 7-3-86; 8:45 am]

BILLING CODE 7715-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 431

General Regulations for Power Generation, Operation, Maintenance, and Replacement at the Boulder Canyon Project, Arizona/Nevada; Correction

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule; correction.

SUMMARY: This notice corrects errors in the preamble and the text of the General Regulations which appeared in the *Federal Register* on July 1, 1986 (51 FR 23960).

The following corrections are made to the final rule published in the *Federal Register* on July 1, 1986 (51 FR 23960).

1. On page 23960, first column, line 44, the effective date of the General Regulations should be changed from July 31, 1986 to June 1, 1987.

2. On page 23962, first column, line 18, insert the word "issue" between the words "contract" and "for".

§ 431.4 [Corrected]

3. On page 23962, third column, § 431.4(a), 4th line, change "or" to "of".

4. On page 23962, third column, § 431.4(b), 1st line, change "satutory" to "statutory".

5. On page 23962, third column, § 431.4(b), 7th line, insert the word "present" before the word "perfected".

§ 431.7 [Corrected]

6. On page 23963, second column, § 431.7(a)(5), 12th line, change "storate" to "storage".

Dated: July 2, 1986.

C. Dale Duvall,

Commissioner, Bureau of Reclamation.

[FR Doc. 86-15285 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-09-M

Proposed Rules

Federal Register

Vol. 51, No. 129

Monday, July 7, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

Insect Infestation in Grain

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Request for public comment.

SUMMARY: The Federal Grain Inspection Service (FGIS) invites public comment on suggested changes to tolerances and grading factors relating to insect infestation of grain. The suggested changes are: (1) Set the same tolerances for insects in all the U.S. grain standards; (2) treat all types of insects injurious to stored grain with equal weight in the established insect tolerances; and (3) create a separate grade factor in the wheat standards to limit insect-damaged kernels. Views and comments are solicited from interested parties on the suggested changes or on other possible revisions to the current grading practices relating to insect infestation of grain.

DATE: Comments must be submitted on or before September 5, 1986.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Staff, USDA, FGIS, Room 1661 South Building, 1400 Independence Avenue SW., Washington, DC 20250, telephone (202) 382-1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Lewis Lebakken, Jr., address as above, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: FGIS has been evaluating the current grain standards and inspection procedures with regard to insect infestation of grain. When the established tolerances for insects are exceeded, the majority of official grain standards require a special grade, either the special grade "weevily" or the special grade,

"infested". For uniformity, only the term infested will be used in this notice.

An FGIS task force was appointed by the Administrator in September 1984 to review the issue of insect infestation of grain. The task force report, issued June 1985, outlined several problems, and made recommendations regarding this matter. In addition, the FGIS Advisory Committee designated a subcommittee to review the task force report and assess the impact of the recommended changes on the U.S. grain industry. A public meeting was held by the subcommittee on September 4, 1985, in Kansas City, Missouri. A Notice of this meeting appeared in the August 9, 1985, *Federal Register* (50 FR 49737). The subcommittee concurred with the task force's recommendations and generally concluded that the amount of infestation in grain should be reduced to reduce the problems encountered by the domestic food industry and to enhance grain exports. The subcommittee concluded its report by making specific recommendations on the infestation issue and suggested that any changes be phased in over time. It recommended that FGIS solicit additional public comment on changes relating to infestation. At its October 8, 1985, public meeting, the FGIS Advisory Committee concurred with the recommendations of the subcommittee. The suggested changes are:

(1) Set the same tolerances for insects for all of the U.S. grain standards.

(2) Treat all types of insects injurious to stored grain with equal weight in the established insect tolerances, and

(3) Create a separate grade factor in the wheat standards to limit insect-damaged kernels.

The first recommendation, that all grain standards contain the same tolerance for insects was made by both the FGIS task force and the Advisory Committee. Wheat, rye, and triticale currently have an infestation tolerance considerably lower than the other grains. This difference in tolerances reflects that wheat, rye, and triticale are food grains, while barley, corn, oats, sorghum, soybeans, sunflower seed, and mixed grain are feed grains or are processed for their oil content.

The second recommendation by the FGIS task force and the Advisory Committee is that FGIS not differentiate by species of insects but treat all live insects injurious to stored grain with the

same weight regarding the tolerance for insects. Currently, FGIS classifies insects into two categories, either weevils or other live insects injurious to stored grain (OLI). The category of weevils includes the rice, granary, maize, cowpea weevils, and the lesser grain borer. The OLI category includes grain and flour beetles, grain moths, vetch bruchids, and other insects injurious to stored grain. The tolerance for these two categories of insects are different because of the varying damage levels they cause in grain.

Weevils consume the majority of the endosperm while developing inside the kernel. The insects in the OLI category primarily confine their feeding to floury material, broken kernels, or the germ area. On a strict weight loss basis, weevils generally consume more of the grain than insects in the OLI category. Both categories of insects affect nutritional value, accelerate spoilage, and leave frass, wastes, and body parts in the grain. However, to a flour miller or grain processor there is no distinction between insect species.

The third recommendation by the Advisory Committee and also recommended by the Millers National Federation would create a grade factor in the wheat standards for insect-damaged kernels. FGIS currently combines insect-damaged kernels with other types of damage such as mold-damaged or weather-damaged wheat kernels. The flour millers believe that a separately stated grade factor for insect-damaged kernels can provide a practical estimate of the extent of infestation and of the previous storage condition of the wheat. It is also requested that interested parties commenting on the desirability for a separate grade factor for insect-damaged kernels in wheat include in their comments proposals for recommended limits for each of the numerical grades of wheat.

In preparing comments, interested parties should consider that the Food and Drug Administration (FDA) currently sets a defect action level of 32 insect-damaged kernels in 100 grams of wheat. This defect action level corresponds to approximately 1.0 percent insect-damaged kernels. The current FGIS interpretation of insect-damaged kernels includes wheat kernels that are weevil bored, or contain dead insects, insect refuse, frass, or webbing.

This request for public comment does not constitute notification that changes to the grain standards or inspection procedures are or will be made.

The U.S. Department of Agriculture encourages citizen participation and solicits the public views on any changes which may improve the official grading standards and inspection procedures. Accordingly, views and comments are solicited from interested parties on the suggested changes or on other possible revisions to the current official grading practices relating to insect infestation of grain.

Dated: June 30, 1986.

Kenneth A. Gilles,

Administrator.

[FR Doc. 86-15200 Filed 7-3-86; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 212 and 214

Documentary Requirements for Nonimmigrants; Waivers, Admission of Certain Inadmissible Aliens, Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Extension of comment period for notice of proposed rulemaking.

SUMMARY: The Service has extended from July 21, 1986 to July 31, 1986 the deadline for submitting comments on the amendments the Service proposed on May 21, 1986 at 51 FR 18591.

DATE: Comments are now due on or before July 31, 1986.

ADDRESS: Please submit written comments in duplicate to the Director, Policy Directives and Instructions, Immigration and Naturalization Service, Room 2011, 425 I street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Flora T. Richardson, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I. Street, NW., Washington, DC 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The Service has extended the deadline for submitting written comments from July 21, 1986 to July 31, 1986 to allow the public additional opportunity to comment on proposed amendments published on May 21, 1986 at 51 FR 18591. The proposed rule would amend the regulations relating to temporary alien workers seeking classification under section 101(a)(15)(H)(i) and

section 101(a)(15)(L) of the Immigration and Nationality Act. The rule proposes to clarify and conform Service policy to the intent of Congress as it relates to these classes of nonimmigrants and to facilitate the entry into the U.S. of certain nonimmigrants needed by international organizations which petition in their behalf.

Dated: June 30, 1986.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 86-15127 Filed 7-3-86; 8:45 am]

BILLING CODE 4410-70-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376 and 385

[Docket No. 60480-6080]

Revision of Controls on Foreign Products Incorporating U.S. Origin Parts, Components, and Materials

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: Export Administration is proposing to revise and clarify the Parts and Components provision of the Export Administration Regulations. This revision would provide guidance on when authorization is required for shipments of foreign products with U.S. origin content, would provide a standard format for submission of requests for authorization, and would establish new criteria for exempting shipments from authorization requirements.

DATE: Public comments are due by September 5, 1986.

ADDRESS: Written comments (six copies when possible) should be sent to: Betty Ferrell, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: John Black or Patti Muldonian, Office of Technology and Policy Analysis, Export Administration, Department of Commerce, Washington, DC 20230 (Telephone: (202) 377-2440).

SUPPLEMENTARY INFORMATION: The Export Administration Regulations require prior authorization from the Office of Export Licensing in certain situations before foreign products that incorporate U.S. origin parts, components, or materials may be exported from one foreign country to another. In the past, the Regulations

provided a complex test for determining the need for authorization. This proposed rule would reduce the test to two simple steps and add a provision to exempt foreign manufacturer products when the U.S. content is no more than 20% by value and the destination is a country in Supplement Nos. 2 or 3 to Part 373. A standard format would be provided for submitting requests for authorization.

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Nevertheless, because of the importance of the issues raised by these regulations, and to help ascertain their economic impact upon the general public, this rule is being issued in proposed form and public comments will be considered in developing final regulations.

Accordingly, interested persons who wish to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

3. Because a notice of proposed rulemaking and an opportunity for public comments are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This proposed rule contains collections of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The collections have been approved by the office of Management and Budget under OMB numbers 0625-0001, 0625-0135, and 0625-0038. The

information collection requirement included in § 376.12(d) (2) & (3) is pending approval by the Office of Management and Budget. Comments from the public on the collection of information contained in the rule should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20530, Attention: Desk Officer for the Department of Commerce/International Trade Administration.

The period for submission of comments will close September 5, 1986. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW, Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Parts 376 and 385

Communist countries, Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are proposed to be amended as follows:

PART 376—[AMENDED]

1. The authority citation for Part 376 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. Section 376.12 is revised to read as follows:

§ 376.12 Parts, components, and materials in foreign-made products.

Parts, components materials, or other commodities exported from the United States and incorporated abroad into a manufactured or produced foreign-made product are subject to United States export controls. The Department of Commerce asserts control over such incorporated commodities by placing limits on the export from abroad of the foreign-made products into which they are incorporated. These controls are necessary in order to prevent the use of such U.S. origin parts, components, or other commodities in a manner detrimental to the national security or foreign policy of the United States. These controls do not apply if either the U.S. content or the foreign-made product is subject to control only for short supply reasons.

(a) *Determining approval requirements.* The prior written approval of the Office of Export Licensing (OEL) is required for the export from a foreign country of a foreign-made product containing U.S. origin parts, components, or materials except:

(1) If at the time of export to the new destination of the foreign-made product, either the U.S. content or the foreign product could be exported from the United States to the new country of destination under General License G-DEST, G-COM or GLV; or

(2) If the ultimate destination of the foreign-made product is a country listed in Supplement Nos. 2 or 3 to Part 373 and the U.S. content value is 20% or less;¹ or

¹ In calculating the U.S. content value for purposes of this exemption, do not include parts, components, or materials that could be exported

(3) If the export of the foreign-made product meets the conditions of § 374.2 (permissive reexports).

Note.—See § 376.12(f) for other controls that may apply even if the export would be excepted by this paragraph(a).

(b) *Applicability of exceptions to approval requirements.* The exceptions to paragraph (a) of this section apply only if the U.S. content is normal and usual for the product being exported and is not physically incorporated in the foreign product as a device to evade the requirement for reexport authorization.

(c) *Calculation of values.* Use the following guidelines in determining values for establishing exemptions or for submission of a request for authorization:

(1) U.S. content value is the delivered cost to the foreign manufacturer of the U.S. origin parts, components, or materials. (When affiliated firms have special arrangements that result in lower than normal pricing, the cost should reflect "fair market" prices that would normally be charged to similar, unaffiliated customers.)

(2) The foreign-made product value is the normal export selling price f.o.b. factory (excluding value added or excise taxes).

(d) *How to request approval.* (1) Request on U.S. export license application. Approval can be obtained by indicating on license application Forms ITA-622P or special license consignee statement Form ITA-6052P that the parts, components, or materials covered by the application will be incorporated abroad into products that will then be sent to designated third countries. Issuance of a license, or validation of a Form ITA-6052P, constitutes approval of the designated end use, unless such use is specifically prohibited or modified. When such approval is sought, the description of end use should include a general description of the commodities to be manufactured and an indication of the countries where those commodities will be marketed. The countries may be listed specifically or may be identified by Country Groups, geographic areas, etc. OEL may exclude destinations in granting approval.

(2) Request by letter for multiple shipments. When approval under paragraph (d)(1) of this section is not practical, OEL will consider requests for authorizations for multiple consignees or multiple countries. Such requests will not be approved for Country Groups S

from the United States to the new country of destination under General License G-DEST.

or Z and will be approved only in limited circumstances for Country Groups Q, W, Y, and the People's Republic of China. A request should be submitted by letter addressed to:

Parts & Components, Office of Export Licensing, P.O. Box 273, Washington, DC 20044.

The request should include the following information:

(i) A description of the product or products being manufactured abroad (with brochure if available);

(ii) Types of U.S. origin parts, components, or materials that will be incorporated into the foreign product;

(iii) Types of customers and end-uses that are typical for the product;

(iv) Percentage (or range of percentage) of the product's value that constitutes U.S. origin parts, components, or materials; and

(v) Destinations to which the products are intended to be exported (country listing, geographic groupings, or Country Groups).

(3) Individual requests. When U.S. origin parts, components, or materials are incorporated in foreign products that will be exported to Country Groups S or Z, or when multiple authorizations are not granted, OEL will require the submission of an individual request for each transaction that includes additional details. Each such request shall be by letter, to the address shown in paragraph (d)(2) of this section, and shall include the following information:

(i) A description of the product or products being manufactured abroad (with brochure if available);

(ii) A description of both the U.S. origin content and the foreign origin content that will be incorporated into the foreign product;

(iii) The percentage of the product's value that constitutes U.S. origin parts, components, or materials;

(iv) The identity of the proposed end-user; and

(v) A description of the proposed end-use.

(4) Supporting documentation. The supporting documentation otherwise required for a license application need not be submitted with a Parts and Components request, except that Form ITA-6031P should be furnished when a computer system is being exported to Country Group Q, W, or Y, or the People's Republic of China.

(e) Action on requests. If the request is inadequate, or if the export may be made without written approval, OEL will return it without action. OEL will review properly submitted requests and will notify the applicant by letter of approval or reasons for denial. OEL may

impose a specific validity period on a Parts and Components authorization.

(f) Other requirements. Whether or not authorization is required under this § 376.12, approval may be required for certain foreign made direct products of U.S. origin technical data (see § 379.8). When authorization is necessary under both § 376.12 and § 379.8, both requests may be made on the Parts and Components letter request. In addition, U.S. persons should be aware of controls administered by the Office of Foreign Assets Control, Department of the Treasury, which may limit certain transactions.

PART 385—[AMENDED]

3. The authority citation for Part 385 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.* as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

4. The fourth sentence and remaining text of § 385.1(b)(2) are revised to read as follows:

§ 385.1 Country Group Z: North Korea, Vietnam, Cambodia and Cuba.

* * * * *

(b) * * *

(2) * * * Requests for authorization for the use of U.S. origin parts, components, or materials amounting to more than 20% by value of a foreign made product to be exported to Cuba generally will not be approved. See § 376.12(d)(3) for instructions on submission of requests for authorization.

Dated: June 30, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-15128 Filed 7-1-86; 10:29 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 19 and 144

Status of Customs Regulations Relating to Duty-Free Stores

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of status of proposed regulations.

SUMMARY: This document informs the public that Customs is taking no further action at the present time with respect to the advance notice of proposed rulemaking relating to duty-free stores,

which was previously published in **Federal Register**. This action is being taken because of Congressional opposition towards Customs enactment of any rules or regulations relating to duty-free stores until Congress takes some action on this issue.

FOR FURTHER INFORMATION CONTACT:

John Holl, Office of Cargo Enforcement and Facilitation, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

On July 21, 1983, Customs published an advance notice of proposed rulemaking in the **Federal Register** (48 FR 33318), pertaining to the administration of duty-free stores. In that document Customs outlined the problems posed by duty-free stores relating to the smuggling of goods into other countries and the illegal reentry or diversion of goods into the U.S.; disputes over operating rights among prospective stores, existing stores, and public authorities; and complaints of purchasers of duty-free store merchandise.

Because of the administrative expense and problems associated with the operation of duty-free stores, Customs considered various options, which included proposing either the complete or partial abolition of these stores or allowing them to exist only in locations where the merchandise can be delivered to purchasers beyond the exit point from the U.S., and the incorporation of duty-free store operating procedures into Parts 19 and 144, Customs Regulations (19 CFR Parts 19 and 144). After consideration of the almost 1000 comments received in response to the advance notice, Customs prepared a notice proposing not to abolish any duty-free stores, but to require new and existing stores to meet certain requirements in order to continue in operation. It was also proposed to incorporate specific duty-free store operating procedures into Parts 19 and 144, Customs Regulations, so as to improve Customs control over the stores. However, before the second notice was approved and published, by section 114 of Pub. L. 98-473 (Continuing Appropriations for Fiscal Year 1985), dated October 4, 1984, Congress prohibited Customs use of any funds made available by that Act or any other Act, to propose or promulgate any rules or regulations relating to duty-free stores.

This action precluded Customs from enacting any regulations pertaining to duty-free stores until October 1, 1985, at the earliest. However, the House of Representatives' Committee on Appropriations, on pages 15 and 16 of House Report 99-210, accompanying H.R. 3036, dated July 18, 1985, took the view that the Congressional restriction on the use of funds for the enactment of duty-free store regulations did not lapse on September 30, 1985, but remained in effect beyond the end of Fiscal Year 1985.

Determination

In view of the Congressional opposition to the use of funds by Customs for enacting duty-free store regulations, we are taking no further action at this time with respect to this regulatory action. However, because we are still of the opinion that the Customs Regulations should be amended to include procedures relating to the operation of duty-free stores, efforts will be made towards this goal.

Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

June 24, 1986.

Approved:

Michael H. Lane

Assistant Secretary of the Treasury

[FR Doc. 86-15192 Filed 7-3-86; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 191

Withdrawal of Proposed Customs Regulations Amendment Relating to Exemptions for Claimants Under Same Condition Drawback

AGENCY: Customs Service, Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws the proposed amendment to the Customs Regulations which would have removed the exemption given same condition drawback claimants from the requirement of certifying whether or not the merchandise to be exported or already exported was sold to the U.S. Government. Upon further review, it has been determined advisable not to proceed with the proposal.

DATE: Withdrawal effective on July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Russell A. Berger, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229 (202-566-5856).

SUPPLEMENTARY INFORMATION:

Background

By notice published in the *Federal Register* on November 5, 1985 (50 FR 45919), it was proposed to amend § 191.11(b), Customs Regulations (19 CFR 191.11(b)), relating to claims for drawback of Customs duties, by removing the exemption given same condition drawback claimants from the requirement of certifying whether or not the merchandise to be exported or already exported was sold to the U.S. Government. The notice, which explained the proposal, invited comments before any final action was taken. No comments were received and, after further review, it has been determined that the proposal should not be adopted. Accordingly, the notice is being withdrawn.

Action—Withdrawal of Proposal

Based upon further consideration of the matter, Customs has determined that the proposed amendment should not be implemented. Accordingly, the notice published in the *Federal Register* on November 5, 1985 (50 FR 45919), is withdrawn.

Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: June 24, 1986.

Michael H. Lane,

Acting Assistant Secretary of the Treasury.

[FR Doc. 86-15193 Filed 7-3-86; 8:45 am]

BILLING CODE 4820-02-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2670 and 2675

Multiemployer Plans; Powers and Duties of Plan Sponsor of Plan Terminated by Mass Withdrawal

AGENCY: Pension-Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) proposes to establish rules for the administration of multiemployer pension plans that have terminated by mass withdrawal, including rules for determining the sufficiency of plan assets, distribution of plan assets, and reporting to the PBGC. This proposed regulation is necessary because the Employee Retirement Income Security Act, as amended, establishes certain requirements for plans terminated by mass withdrawal and requires the PBGC to prescribe regulations governing the plan sponsor's powers and duties when a mass-withdrawal-terminated plan is insolvent. The Act also authorizes the PBGC to prescribe rules and standards for the administration of such plans in order to protect the interests of plan participants and beneficiaries and to prevent unreasonable loss to the insurance system. The proposed regulation is intended to establish rules that encourage the efficient administration of mass-withdrawal-terminated plans in order to preserve plan assets and thus protect the interests of plan participants and beneficiaries and the multiemployer insurance system. The proposed regulation, if adopted, will provide explicit rules for plan sponsors to follow in handling a variety of recurring and non-recurring situations.

DATE: Comments must be received on or before September 5, 1986.

ADDRESSES: Comments may be mailed to the Corporation Policy and Regulations Department (35100), 2020 K Street, NW., Washington, DC 20006. Comments may be hand-delivered to Suite 7300 at the above address between 9:00 a.m. and 5:00 p.m. Written comments will be available for inspection at the above address, Suite 7100, between 9:00 a.m. and 4:00 p.m. Each comment should include the name and address of the person submitting the comment, identify the proposed regulation, and give reasons for any recommended change. This proposal may be changed based on the comments received.

FOR FURTHER INFORMATION CONTACT: Steven Rothenberg, Attorney, Corporate Policy and Regulations Department (35100), 2020 K Street, NW., Washington, DC 20006; (202) 956-5050 (202) (956-5059 for TTY and TDD). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

Statutory Overview

Under section 4041A(a) of the Employee Retirement Income Security Act of 1974, as amended by the

Multiemployer Pension Plan Amendments Act of 1980, (ERISA or "the Act"), a multiemployer plan is terminated in one of two ways: (1) A plan amendment may be adopted that provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or that causes the plan to become a defined contribution plan ("termination by plan amendment"); or (2) every employer either withdraws from the plan or ceases to have an obligation to contribute to the plan ("termination by mass withdrawal").

When a multiemployer plan terminates by plan amendment, employers continue to have an obligation to contribute to the plan and are subject to the withdrawal liability rules in sections 4201-4225 of the Act upon their withdrawal. In such cases, the liability is determined in the same manner as in a non-terminated plan.

In the case of a mass-withdrawal termination, however, there is no continuing obligation to fund the plan, and employers that participate in the mass withdrawal that resulted in the termination are subject to a one-time redetermination of their liability. (Tentative rules for this redetermination are contained in the PBGC's proposed regulation on Redetermination of Withdrawal Liability upon Mass Withdrawal, 49 FR 45018, November 14, 1984). If a mass-withdrawal-terminated plan has sufficient assets and is closed out by purchasing annuities and making other forms of distributions that provide all nonforfeitable benefits upon the termination, or if it becomes sufficient to close out based on its collection of withdrawal liability after the termination, and does so, plan participants and the insurance system will not be harmed. If, however, the plan experiences financial difficulties, such as losses in the value of plan assets, adverse mortality, or inability to collect the full amount of withdrawal liability owed the plan, the interests of plan participants and the insurance system may be adversely affected.

Because a mass-withdrawal-terminated plan cannot look to employers for continued contributions or for additional withdrawal liability, the Act imposes certain rules and obligations on the sponsor of a plan that has terminated by mass withdrawal and gives the PBGC authority to prescribe others. These rules require a plan sponsor to monitor the financial condition of the plan and, depending on the condition of the plan, reduce or suspend benefits or apply to the PBGC for financial assistance.

Specific Statutory Provisions

Section 4041A(b)(2) provides that the date on which a mass-withdrawal-terminated plan terminates is the earlier of the date on which the last employer withdraws from the plan or the first day of the first plan year for which no employer contributions are required.

Section 4041A(c) provides rules governing the payment of benefits in a mass-withdrawal-terminated plan. Under this section, the plan sponsor is required to limit the payment of benefits to benefits that are nonforfeitable under the plan as of the date of termination, and to pay benefits attributable to employer contributions, other than death benefits, only as annuities unless the plan is closed out by distribution of assets in full satisfaction of all nonforfeitable benefits. An exception to these benefit payment rules is contained in section 4041A(f)(1), which allows payment of benefits in other than the annuity form when the entire value of a participant's benefit is \$1,750 or less, or when the PBGC authorizes payment in an alternative form.

The PBGC is authorized by section 4041A(f)(2) to prescribe reporting requirements for terminated plans and to establish such rules and standards for the administration of terminated plans as the PBGC determines are appropriate to protect the interests of plan participants and beneficiaries and to prevent unreasonable loss to the PBGC.

Section 4281 establishes rules under which plan sponsors of plans that have terminated by mass withdrawal must reduce or suspend the payment of benefits. Section 4281(b) provides that the value of the plan's assets, including outstanding claims for withdrawal liability, and the value of its nonforfeitable benefits shall be determined in writing as of the end of the plan year in which the plan terminates and annually thereafter. This valuation is to be done in accordance with PBGC regulations; the PBGC published on February 19, 1985 (50 FR 6956) a proposed rule that will implement this section.

If, based on this annual plan valuation, the value of the plan's assets (including claims for withdrawal liability) is less than the value of nonforfeitable benefits under the plan, the plan sponsor is required to amend the plan to reduce benefits in accordance with a number of rules in section 4281(c). Under that section, the amendment may, in accordance with rules to be prescribed by that Secretary of the Treasury, reduce benefits only to the extent necessary to ensure that the plan's assets are sufficient to provide its

nonforfeitable benefits. The amendment may reduce only benefits under plan amendments (or plans) adopted after March 26, 1980, or under collective bargaining agreements entered into after March 26, 1980, that are not eligible for the guarantees in section 4022A of the Act (referred to below as "benefits subject to reduction"), i.e., benefits that have not been in effect for 60 months. In addition, the amendment must comply with the rules governing benefit reductions under plans in reorganization prescribed in section 424A, except to the extent that the PBGC prescribes other rules. The amendment must take effect no later than six months after the end of the plan year for which the valuation was done. Finally, the plan sponsor must determine and certify, in accordance with regulations to be issued by the PBGC, that the plan amendment reducing benefits does so to the extent necessary to ensure that the plan's assets (including claims for withdrawal liability) are sufficient to discharge when due all the plan's obligations with respect to nonforfeitable benefits.

Section 4281(d)(2) provides that a mass-withdrawal-terminated plan is insolvent for a plan year if it has been amended to reduce benefits to the extent permitted by section 4281(c) (i.e., all benefits subject to reduction have been eliminated) or if the plan had no benefits that were subject to reduction, and the plan's available resources for the year are not sufficient to pay benefits when due for the plan year. The plan sponsor of a plan that is insolvent under section 4281 is required to suspend the payment of benefits that are not guaranteed because of the limitations in section 4022A(c), to the extent that their payment cannot be supported by the plan's available resources.

Section 4281(d)(3) provides that the plan sponsor of a mass-withdrawal-terminated plan that is insolvent shall have the powers and duties of a plan sponsor of a plan in reorganization that is insolvent, except that the PBGC shall issue regulations governing the plan sponsor's exercise of those powers and duties. Section 4281(d)(3) also provides that the PBGC shall issue regulations prescribing notice requirements to assure that plan participants and beneficiaries receive adequate notice of benefit suspensions. On August 1, 1985, the PBGC published a final rule on Notices of Benefit Reductions and Suspensions (50 FR 31171). Since these rules are an integral part of the powers and duties of plan sponsors of mass-withdrawal-terminated plans, they will

be codified as part of this regulation and are therefore in this document. (These rules have been re-numbered as noted later in this preamble.)

Under section 4281(d)(4), the plan generally is not required to make retroactive payments of benefits suspended under section 4281(d). Section 4281(d)(4) provides, however, that the provisions of section 4245(c)(4) and (c)(5), shall apply to insolvent mass-withdrawal-terminated plans. These provisions pertain to retroactive payments within the year during which benefits were suspended. Under section 4245(c)(4), if by the end of an insolvency year, the plan sponsor determines in writing that the plan's available resources in that year could have supported benefit payments above the resource benefit level for that year, the plan is allowed to make additional distributions to participants and beneficiaries who received benefit payments from the plan in that year. The amount of the distribution may not exceed a participant's benefit level under the plan. Under section 4245(c)(5), if, during the insolvency year, any benefit has not been paid up to the resource benefit level, the plan is required to distribute to participants and beneficiaries amounts up to the resource benefit level to the extent possible, taking into account the plan's total available resources in that year. Payment of amounts up to the resource benefit level is mandatory, because that is the benefit to which participants and beneficiaries are entitled during an insolvency year. Payments above that level are left to the discretion of plan sponsors. If a plan does have available resources remaining at the end of an insolvency year, and the sponsor chooses not to make retroactive payments above the resource benefit level, those amounts will be available resources in the subsequent year and serve to increase the benefits paid in that year.

The Regulation

Subpart A of the proposed regulation contains a description of the purpose and scope of the regulation, together with rules for submission of documents to the PBGC in accordance with the various provisions of the regulations that require submissions to the PBGC. Subpart B of the regulation prescribes the duties of a plan sponsor of a mass-withdrawal-terminated plan. In Subpart C, the circumstances under which such plans must be amended to reduce benefits are described; this subpart also contains guidance for effecting the required reductions and rules for restoration of benefits. Subpart D

establishes the procedures under which the plan sponsor of an insolvent plan must issue insolvency notices, suspend benefit payments and apply for financial assistance when needed. Subpart E establishes the criteria under which plans may be closed out by distributing plan assets in full satisfaction of nonforfeitable benefits. This subpart also establishes the procedures for effecting the distribution and for notifying the PBGC of the close-out.

Subpart B—Plan Sponsor Duties

Section 2675.11 of the proposed regulation would provide the general rule to be followed by the plan sponsor of a terminated plan. Under this section, the plan sponsor would be required to continue to administer the plan in accordance with plan provisions and applicable statutory and regulatory requirements until such time as the plan is closed out under Subpart E of the regulation. A plan that has terminated as a result of a mass withdrawal continues to exist, and most of the functions that are performed by the plan sponsor of an ongoing plan continue to be necessary under the terminated plan. Thus, to the extent that the statutory and regulatory requirements for multiemployer plans do not specifically exclude mass-withdrawal-terminated plans, the plan sponsor must continue to follow those requirements after termination.

A number of specific duties are included in §§ 2675.12-17. The plan sponsor's obligation to pay benefits is described in § 2675.12. In accordance with section 4041A(c) of the Act, after termination benefits must be limited to those that are nonforfeitable as of the date of termination and, except for death benefits, generally may be paid only in annuity form until the plans assets are distributed in full satisfaction of all nonforfeitable benefits under the plan.

This provision precludes the plan sponsor from a partial close-out of the plan through the purchase of annuities to provide the benefits of some participants or a portion of the benefit payable to all or some participants. Because a plan terminated by mass withdrawal is required to be amended to reduce certain benefits when the value of its assets is insufficient to provide all nonforfeitable benefits, and required to suspend the payment of some benefits when it becomes insolvent, a partial distribution of plan assets may precipitate benefit reductions or suspensions that might not otherwise have been required. Further, as a result of the partial distribution, some participants may gain "protected"

benefits at the expense of other participants, who may lose benefits as a result of the ensuing benefit reduction or suspension. A partial close-out also creates a greater risk to the PBGC, because assets that would otherwise have been available to provide guaranteed benefits are distributed from the plan. If withdrawal liability payments are not sufficient to pay guaranteed benefits, the PBGC has to provide financial assistance. Such assistance might not have been required if the plan had retained the assets and made only periodic benefit payments from those assets. Furthermore, if the plan had retained its assets, it may have realized experience gains (e.g., interest and mortality) that would have enabled it to avoid insolvency or at least to reduce the PBGC's exposure. For these reasons, until a complete distribution of assets can be made, the plan sponsor is required to pay benefits in annuity form, unless an alternative form is approved by the PBGC or the value of the entire nonforfeitable benefit does not exceed \$1,750.

Proposed § 2675.12(c) would prohibit the sponsor from making payments above the amount that is nonforfeitable under the plan as of the date of termination. Under proposed § 2675.12(d), the plan sponsor would also be required to discontinue the payment of benefits subject to reduction, in accordance with section 4281(c) of the Act, when the plan sponsor determines that the plan's assets (including claims for withdrawal liability) are insufficient to satisfy all nonforfeitable benefits provided under the plan. The procedures for making the sufficiency determination and effecting the required benefit reductions are contained in Subpart C of the regulation and described in more detail later in this preamble. Section 2675.12(e) would establish a requirement that the plan sponsor monitor the solvency of the plan when the plan provides no benefits subject to reduction (either because none were provided at termination or because all such benefits have been eliminated). If the plan becomes insolvent, the plan sponsor is required to suspend the payment of certain benefits in accordance with the procedures described in Subpart D of the proposed regulation. Proposed § 2675.12(f) would allow the plan sponsor to make retroactive payments of suspended benefits to the extent permitted by section 4245(c)(4) of ERISA and require retroactive payments to the extent section 4245(c)(5) mandates them.

Proposed § 2675.13 would require the plan sponsor to continue to determine, impose and collect withdrawal liability

owed the plan until the plan is closed out or until the PBGC determines that plan assets (excluding claims for withdrawal liability) are sufficient to pay all benefits. Under section 4219(c)(8) of the Act, employers' obligations to make withdrawal liability payments (including payments of mass withdrawal liability) continue until the end of the plan year in which the assets of the plan (exclusive of withdrawal liability claims) are sufficient to meet all obligations of the plan, as determined by the PBGC. The PBGC has determined that distribution of plan assets in satisfaction of all nonforfeitable benefits establishes sufficiency for purposes of section 4219(c)(8). This section of the proposed regulation reiterates that position and provides for a cessation of the obligation to pay withdrawal liability as of the date when the distribution is completed.

A key provision of section 4281 of the Act is the requirement for annual plan valuations. This valuation serves as the basis for determining whether there is a need to amend the plan to reduce or eliminate benefits that are subject to reduction and otherwise provides an indication of the financial condition of the plan. Proposed § 2675.14(a) would incorporate the requirement for an annual valuation to be done for the year of termination and every subsequent year, excluding years for which the plan receives financial assistance from the PBGC under section 4261, until the plan is closed out. This provision of the proposed regulation specifies that the valuation shall be done in accordance with the PBGC's rule on Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal [proposed on February 19, 1985 (50 FR 6956)]; the PBGC expects that the valuation regulation will have been issued in final form by the time this proposed regulation is issued.

Proposed § 2675.14(b) would establish requirements relating to the monitoring of the plan's funding condition and solvency. If the value of the plan's assets (including withdrawal liability claims) is less than the value of nonforfeitable benefits, proposed § 2675.14(b)(1) requires the plan sponsor to amend the plan to reduce nonforfeitable benefits in accordance with Subpart C of the regulation. If the plan does not provide benefits subject to reduction, either because there were no such benefits provided by the plan at termination, or because prior amendments under Subpart C have eliminated all such benefits, § 2675.14(b)(2) requires the plan sponsor

to make periodic determinations of solvency under the rules in § 2675.15.

Section 2675.14(c) would require the sponsor of a plan that is amended to reduce benefits to provide notice of that fact to the PBGC and plan participants and beneficiaries, in accordance with § 2675.32.

Proposed § 2675.15(a) and (b) would contain the requirements for periodic determinations of plan solvency currently found in § 2675.3 of the PBGC's rule on Notices of Benefit Reductions and Suspensions. Under § 2675.15(a), the plan sponsor of a plan that provides no benefits subject to reduction must determine in writing whether the plan is expected to be insolvent in the coming plan year. If the plan was amended to eliminate all benefits subject to reduction, the determination must be made for the plan year beginning after the amendment becomes effective and for each plan year thereafter. If the plan provided no such benefits as of the date the plan terminated, the sponsor must initially make the determination for the second plan year beginning after the first plan year for which it is determined under section 4281(b) of ERISA that the value of nonforfeitable benefits under the plan exceeds the value of the plan's assets and shall make a determination for each plan year thereafter. In both cases, the determination must be made at least six months before the beginning of the plan to which it applies. Section 2675.15(b) would require a plan sponsor that has reason to believe that its solvency determination for the current or next plan year is incorrect to redetermine whether the plan is expected to be insolvent for that plan year. If the plan sponsor determines that the plan is, or is expected to be, insolvent for a plan year, § 2675.15(c) would require it to suspend benefits in accordance with § 2675.32. Proposed § 2675.15(b) would require the plan sponsor to issue notices of insolvency, annual updates and notices of insolvency benefit level to participants and beneficiaries and the PBGC, if it determines that the plan is or is expected to be insolvent for the plan year.

Finally, § 2675.16 would establish a requirement that a plan sponsor must apply to the PBGC for financial assistance whenever it determines that the resource benefit level is below the level of guaranteed benefits under the plan or that the plan will be unable to pay guaranteed benefits in any month during the insolvency year. The procedures for applying are set forth in proposed § 2675.38, which is discussed below.

Subpart C—Benefit Reductions

Section 2675.21 defines the purpose and scope of Subpart C. Under § 2675.22 the plan sponsor would be required to amend the plan to eliminate those benefits subject to reduction that cannot be provided by plan assets. This section requires the amendment reducing benefits to take effect no later than six months after the end of the plan year for which it is determined that the value of the plan's nonforfeitable benefits exceeds the value of its assets. This section would also require any benefit reduction to be effected by either (1) a *pro rata* reduction of all benefits subject to reduction, (2) a *pro rata* reduction of any category of benefit or (3) the elimination of any category of benefit. Section 2675.22 also provides that benefit reductions under this subpart shall be prospective only.

Section 2675.23 would restate the requirements for notifying participants, beneficiaries, and the PBGC of benefit reductions currently found in § 2675.2 of the PBGC's regulation on Notices of Benefit Reductions and Suspensions.

Section 2675.24 would require the plan sponsor of a plan that has been amended to reduce benefits under Subpart C to restore those benefits before adopting any amendment increasing benefits under the plan. Section 2675.24(a) would limit the obligation to pay restored benefits to benefits due after the effective date of the amendment restoring benefits. Section 2675.24(b) would require the plan sponsor to notify the PBGC in writing of any restoration of benefits under that section.

Subpart D—Benefit Suspensions

Section 2675.31 prescribes the purpose and scope of Subpart D. Section 2675.32 would prescribe the procedures for suspending benefits pursuant to section 4281(d) of ERISA. Under § 2675.32, if the sponsor has determined under § 2675.15 that the plan is expected to be insolvent in the next plan year, it must determine the level of benefit payments under the plan that can be supported by the plan's available resources in that year (*i.e.*, the resource benefit level). Benefit payments for that year must be suspended to the extent that they exceed the greater of (1) the resource benefit level or (2) the level of guaranteed benefits.

Section 2675.33(a) would prescribe the conditions under which the plan sponsor may make retroactive payments of benefits that were suspended. If, by the end of a year in which benefits were suspended under § 2675.32, the plan sponsor determines in writing that the

plan's available resources in that year could have supported benefit payments above the resource benefit level for that year, the sponsor may distribute the excess available resources on a *pro rata* basis to all the participants and beneficiaries who received benefit payments that year. The maximum distribution per participant would be the amount which, when added to benefit payments already made, brings the total benefit for the plan year up to the total benefit provided under the plan.

The plan sponsor is required to make retroactive payments under § 2675.33(b), if, by the end of a year in which benefits were suspended, any benefit has not been paid at the resource benefit level and there are available assets. In such cases the plan sponsor must distribute on a *pro rata* basis to all participants and beneficiaries who received benefit payments that year amounts up to the resource benefit level that were unpaid, to the extent possible taking into account the plan's total available resources in that year.

Sections 2675.34 through 2675.37 would contain the rules on notices of insolvency and annual updates, and notices of insolvency benefit level currently found in §§ 2675.4—2675.7 of the PBGC's rule on Notices of Benefit Reductions and Suspensions.

Proposed § 2675.38 would establish procedures for applying to the PBGC for financial assistance under section 4261 of ERISA. Under proposed § 2675.38(a), the plan sponsor would be required to apply for financial assistance if (1) it determines that the plan's resource benefit level for an insolvency year is below the level for guaranteed benefits or (2) it anticipates that for any month in an insolvency year the plan will not have sufficient funds for pay guaranteed benefits. In the first instance, the determination will necessarily be made prior to the filing of the notice of insolvency benefit level for the coming insolvency year. Accordingly, the application for financial assistance must be filed with PBGC concurrently with the filing of the notice of insolvency benefit level, *i.e.*, 60 days before the beginning of the insolvency year (§ 2675.38(b)). Since the inability to pay guaranteed benefits for any month will normally not be determined until sometime during the insolvency year, the application in that case must be filed with PBGC within 15 days after the determination is made (§ 2675.38(b)). This short time limit is necessary so that PBGC can provide the financial assistance in time to ensure the uninterrupted payment of guaranteed benefits.

In most cases where financial assistance is needed, the plan's resource benefit level will be less than guaranteed benefits, and the plan sponsor will be aware of the need for financial assistance well in advance of the time when the application must be filed. In these cases, the application must include (in addition to plan identifying information) participant data schedules showing benefit payment information for all participants and beneficiaries who will be in, or are reasonably expected to enter, pay status during the insolvency year (§ 2675.38(c)). These schedules are needed so that PBGC can verify the exact amount of financial assistance required. The data should be readily available to plan sponsors, since the schedules cover only participants in or about to enter pay status.

In the rarer case when the plan is unable to pay guaranteed benefits for any particular month, the need for quick notice to the PBGC precludes the submission of participant data schedules with the application for financial assistance. Section 2675.38(d) would provide that, in those cases, the PBGC will request that data after it receives the application. For these applications, the plan sponsor need only include the amount of the plan's available resources and guaranteed benefits payable for the month in question. This will provide the PBGC with an initial estimate of the amount of assistance that will be required.

In any case involving financial assistance, the PBGC may need other information in order to calculate or verify the correct amount of the assistance. Therefore, proposed § 2675.38(e) provides that the PBGC may require such additional data as one of the conditions of providing the financial assistance. (Section 4261 of the Act states that "(f) financial assistance shall be provided under such conditions as the corporation determines are equitable and are appropriate to prevent unreasonable loss to the corporation . . .".)

Subpart E—Plan Closeouts

Subpart E contains the proposed rules for closing out sufficient plans terminated by mass withdrawal. Section 2675.41 would contain the general rule permitting the plan sponsor to close out the plan if the plan can satisfy all obligations for nonforfeitable benefits provided under the plan.

Proposed § 2675.42 would set forth the rules on the method of distributing assets of a plan that is closed out. It requires the plan sponsor to purchase from an insurer contracts to provide all

benefits required by § 2675.43 to be provided in annuity form. All other benefits must be paid in lump sums, unless the participant elects an alternative form of payment provided under the plan.

Section 2675.43(a) would provide the general rule that benefits attributable to employer contributions shall be paid only in the form of an annuity. Exceptions to the general rule would be provided by § 2675.43(b), which allows the sponsor to pay benefits attributable to employer contributions in a form other than an annuity if: (1) The present value of the participant's entire nonforfeitable benefit, determined in accordance with § 2676.13, does not exceed \$1,750; (2) the payment is for death benefits provided under the plan; or (3) the participant elects an alternative form of distribution under § 2675.43(c).

Plan sponsors may allow participants to elect an alternative form of distribution under § 2675.43(c) by notifying each participant in writing of: (1) The form and estimated amount of the normal form of distribution; (2) the fact that the PBGC does not guarantee the benefits payable in the alternative form; and (3) any risks attendant to the alternative form. Participant elections of an alternative form of distribution must be in writing.

Section 2675.44 would provide that the obligation of an employer to make payments of its initial withdrawal liability and mass withdrawal liability ceases on the date on which the plan's assets are distributed in full satisfaction of all nonforfeitable benefits provided by the plan. As discussed above, section 4219(c)(8) of the Act relieves employers of their obligation to make withdrawal liability payments at the end of the plan year in which the plan's assets (excluding withdrawal liability claims) are sufficient to meet all of the plan's obligations, as determined by the PBGC. In the case of a plan that is closed out by the distribution of assets in full satisfaction of all nonforfeitable benefits, the plan year ends on the date of the distribution. (See, for example, the instructions to Form 5500 under "When to file".) Thus, employers' withdrawal liability obligations should also end as of that date.

E.O. 12291 and Regulatory Flexibility Act

The Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291 because the rule will not have an annual effect on the economy of \$100 million or

more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets. ERISA establishes requirements and standards for the administration of multiemployer plans that have terminated by mass withdrawal; this regulation implements those requirements and standards.

Under section 605(b) of the Regulatory Flexibility Act, the PBGC certifies that this rule will not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. The proposed regulation affects only multiemployer plans covered by the PBGC under Title IV of ERISA. If "small" plans are defined as those with fewer than 100 participants, the PBGC's coverage of small plans extend to less than 14% of all multiemployer plans covered by the PBGC (346 out of 2485 plans). Further, small multiemployer plans represent only 0.4% of all small plans covered by the PBGC (346 out of 84,288 plans). Based on the PBGC's experience to date, it is estimated that no more than 10 multiemployer plans will be terminated by mass withdrawal in any given year. Thus, the PBGC expects there to be few plans that may need to be administered under these rules. Therefore, compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

List of Subjects in 29 CFR Part 2670 and 2675

Employee benefit plans, Pensions, reporting and recordkeeping requirements.

In consideration of the foregoing, the PBGC proposes to amend Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations as follows:

PART 2670—[AMENDED]

1. The authority for Part 2670 continues to read as follows:

Authority: Sec. 4002(b)(3), Pub. L. 93-406, as amended by sec. 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302).

2. Part 2670 is amended by revising § 2670.4 to read as follows:

§ 2670.4 Plans Terminated by Mass Withdrawal and Other Insolvent Plans.

For purposes of Parts 2674 and 2675—"Actuarial valuation" means a report submitted to the plan in connection with

a valuation of plan assets and liabilities required under 29 CFR Part 2676.

"Available resources" means, for a plan year, the plan's cash, marketable assets, contributions, withdrawal liability payments and earnings, less reasonable administrative expenses and amounts owed for the plan year to the PBGC under section 4261(b)(2) of the Act.

"Benefits subject to reduction" means those accrued benefits under plan amendments (or plans) adopted after March 26, 1980, or under collective bargaining agreements entered into after March 26, 1980, that are not eligible for the PBGC's guarantee under section 4022A(b) of the Act.

"Financial assistance" means financial assistance from the PBGC under section 4261 of the Act. x

"Insolvency benefit level" means the greater of the resource benefit level or the benefit level guaranteed by the PBGC for each participant and beneficiary in pay status.

"Insolvency year" means a plan year in which the plan is insolvent.

"Insolvent" means that a plan is unable to pay benefits when due during the plan year. A plan terminated by mass withdrawal is not insolvent unless it has been amended to eliminate all benefits that are subject to reduction under section 4281(c), or, in the absence of an amendment, no benefits under the plan are subject to reduction under section 4281(c).

"Insurer" means a company authorized to do business as an insurance carrier under the laws of a State or the District of Columbia.

"Nonguaranteed benefits" means those benefits that are eligible for the PBGC's guarantee under section 4022A(b) of the Act, but exceed the guarantee limits under section 4022A(c).

"Participants and beneficiaries reasonably expected to enter pay status" means plan participants and beneficiaries (other than participants and beneficiaries in pay status), who, according to plan records, are disabled, have applied for benefits, or have reached or will reach during the applicable period the normal retirement age under the plan, and any others whom it is reasonable for the plan sponsor to expect to enter pay status during the applicable period.

"Plan" means a plan terminated under section 4041A(a)(2) of the Act.

"Pro rata" means that the required benefit reduction or payment shall be allocated among affected participants in the same proportion that each such participant's nonforfeitable benefits under the plan bear to all nonforfeitable

benefits of those participants under the plan.

"Reorganization" means reorganization under section 4241(a) of the Act.

"Resource benefit level" means the highest level of monthly benefits that the plan sponsor determines can be paid for a plan year out of the plan's available resources.

"Valuation date" means the last day of the plan year in which the plan terminates and the last day of each plan year thereafter.

3. Part 2675 is revised to read as follows:

PART 2675—POWERS AND DUTIES OF PLAN SPONSOR OF PLAN TERMINATED BY MASS WITHDRAWAL

Subpart A—General Provisions

Sec.

2675.1 Purpose and scope.

2675.2 Submission of documents.

Subpart B—Plan Sponsor Duties

2675.11 General rule.

2675.12 Payment of benefits.

2675.13 Imposition and collection of withdrawal liability.

2675.14 Annual plan valuations and monitoring.

2675.15 Periodic determinations of plan solvency.

2675.16 Financial assistance.

Subpart C—Benefit Reductions

2675.21 Purpose and scope.

2675.22 Plan amendment.

2675.23 Notices of benefit reductions.

2675.24 Restoration of benefits.

Subpart D—Benefit Suspensions

2675.31 Purpose and scope.

2675.32 Benefit suspensions.

2675.33 Retroactive payments.

2675.34 Notices of insolvency and annual updates.

2675.35 Contents of notices of insolvency and annual updates.

2675.36 Notices of insolvency benefit level.

2675.37 Contents of notices of insolvency benefit level.

2675.38 Application for financial assistance.

Subpart E—Close-out of Sufficient Plans

Sec.

2675.41 General rule.

2675.42 Method of distribution.

2675.43 Benefit forms.

2675.44 Cessation of withdrawal liability.

Authority: Secs. 4002(b)(3), 4041A and 4281, Pub. L. 93-406, as amended by secs. 403(1), 103 and 104(2) (respectively), Pub. L. 96-364, 94 Stat. 1302, 1216 and 1261, (1980) (29 U.S.C. §§ 1302(b)(3), 1341a and 1441).

Subpart A—General Provisions

§ 2675.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish rules for the administration of multiemployer plans that have terminated by the withdrawal of every employer or the cessation of all employers' obligations to contribute to the plan ("termination by mass withdrawal"). Sections 4041A and 4281 of the Act establish certain requirements for mass-withdrawal-terminated plans and authorize the PBGC to prescribe additional rules and standards for the administration of such plans. This regulation prescribes the duties of plan sponsors of mass-withdrawal-terminated plans and provides rules for administering benefit reductions that are required under section 4281(c) of the Act and benefit suspensions required under section 4281(d). This part also contains procedures for closing out sufficient plans and applying to the PBGC for financial assistance under section 4261 of the Act.

(b) *Scope.* This part applies to multiemployer plans covered by section 4021(a) of the Act and not excluded by section 4021(b) that have terminated by mass withdrawal under section 4041A(a)(2) of the Act (including a plan created by a partition pursuant to section 4233 of the Act).

§ 2675.2 Submission of documents.

(a) *Filing date.* Any notice, document or information required to be filed with the PBGC under this part shall be considered filed on the date of the United States postmark stamped on the cover in which the document or information is mailed, provided that the postmark was made by the United States Postal Service and the document was mailed postage prepaid, properly packaged and addressed to the PBGC. If these conditions are not met, the document shall be considered filed on the date on which it is received by the PBGC.

(b) *Address.* All notices, documents and information required to be filed with the PBGC under this part shall be addressed to the Case Classification and Control Division (542), Insurance Operations Department, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

Subpart B—Plan Sponsor Duties

§ 2675.11 General rule.

The plan sponsor shall continue to administer the plan in accordance with applicable statutory provisions, regulations and plan provisions until a trustee is appointed under section 4042

of the Act or until plan assets are distributed in accordance with Subpart E of this part. In addition, the plan sponsor shall be responsible for the specific duties described in this subpart.

§ 2675.12 Payment of Benefits.

(a) Except as provided in paragraph (b), the plan sponsor shall pay benefits attributable to employer contributions, other than death benefits, only in the form of an annuity.

(b) The plan sponsor may pay benefits in a form other than an annuity if—

- (1) the plan distributes plan assets in accordance with Subpart E of this part;
- (2) the PBGC approves the payment of benefits in an alternative form; or
- (3) the value of the entire nonforfeitable benefit does not exceed \$1,750.

(c) The plan sponsor shall not pay benefits in excess of the amount that is nonforfeitable under the plan as of the date of termination.

(d) The payment of benefits subject to reduction shall be discontinued to the extent provided in § 2675.22 if the plan sponsor determines, in accordance with § 2675.14, that the plan's assets are insufficient to provide all nonforfeitable benefits.

(e) The plan sponsor shall, to the extent provided in § 2675.32, suspend the payment of nonguaranteed benefits if the plan sponsor determines, in accordance with § 2675.15, that the plan is insolvent.

(f) The plan sponsor shall, to the extent required by § 2675.33, make retroactive payments of suspended benefits if it determines under that section that the level of the plan's available resources requires such payments.

§ 2675.13 Imposition and collection of withdrawal liability.

Until plan assets are distributed in accordance with Subpart E of this part, or until the end of the plan year as of which the PBGC determines that plan assets (exclusive of claims for withdrawal liability) are sufficient to satisfy all nonforfeitable benefits under the plan, the plan sponsor shall be responsible for determining, imposing and collecting withdrawal liability (including the liability arising as a result of the mass withdrawal), in accordance with Part 2644 of the PBGC's regulations and sections 4201–4225 of ERISA.

§ 2675.14 Annual plan valuations and monitoring.

(a) *Annual valuation.* Not later than 150 days after the end of the plan year, the plan sponsor shall determine or cause to be determined in writing the

value of nonforfeitable benefits under the plan and the value of the plan's assets, in accordance with 29 CFR Part 2676. This valuation shall be done as of the end of the plan year in which the plan terminates and each plan year thereafter (exclusive of plan years for which the plan receives financial assistance from the PBGC under section 4261 of the Act) up to but not including the plan year in which the plan is closed out in accordance with Subpart E.

(b) *Plan monitoring.* Upon receipt of the annual valuation described in paragraph (a), the plan sponsor shall determine whether the value of nonforfeitable benefits exceeds the value of the plan's assets, including claims for withdrawal liability owed to the plan. When benefits do exceed assets, the plan sponsor shall—

(1) if the plan provides benefits subject to reduction, amend the plan to reduce those benefits in accordance with the procedures in Subpart C of this part to the extent necessary to ensure that the plan's assets are sufficient to discharge when due all of the plan's obligations with respect to nonforfeitable benefits; or

(2) if the plan provides no benefits subject to reduction, make periodic determinations of plan solvency in accordance with § 2675.15

(c) *Notices of benefit reductions.* The plan sponsor of a plan that has been amended to reduce benefits shall provide participants and beneficiaries and the PBGC notice of the benefit reduction in accordance with §§ 2675.23.

§ 2675.15 Periodic determinations of plan solvency.

(a) *Annual insolvency determination.* The plan sponsor of a plan that has been amended to eliminate all benefits that are subject to reduction under section 4281(c) of the Act shall determine in writing whether the plan is expected to be insolvent for the first plan year beginning after the effective date of the amendment and for each plan year thereafter. In the event that a plan adopts more than one amendment reducing benefits under section 4281(c) of the Act, the initial determination shall be made for the first plan year beginning after the effective date of the amendment that effects the elimination of all such benefits, and a determination shall be made for each plan year thereafter. The plan sponsor of a plan under which no benefits are subject to reduction under section 4281(c) of the Act as of the date the plan terminated shall determine in writing whether the plan is expected to be insolvent. The initial determination shall be made for

the second plan year beginning after the first year for which it is determined under section 4281(b) of the Act that the value of nonforfeitable benefits under the plan exceeds the value of the plan's assets. The plan sponsor shall also make a solvency determination for each plan year thereafter. A determination required under this paragraph shall be made no later than six months before the beginning of the plan year to which it applies.

(b) *Other determination of insolvency.* Whether or not a prior determination of plan solvency has been made under paragraph (a) of this section (or under section 4245 of the Act), a plan sponsor that has reason to believe, taking into account the plan's recent and anticipated financial experience, that the plan is or may be insolvent for the current or next plan year shall determine in writing whether the plan is expected to be insolvent for that plan year.

(c) *Benefit suspensions.* If the plan sponsor determines that the plan is, or is expected to be, insolvent for a plan year, it shall suspend benefits in accordance with § 2675.32.

(d) *Insolvency notices.* If the plan sponsor determines that the plan is, or is expected to be, insolvent for a plan year, it shall issue notices of insolvency or annual updates and notices of insolvency benefit level to the PBGC and to plan participants and beneficiaries in accordance with Subpart D.

§ 2675.16 Financial assistance.

A plan sponsor that determines a resource benefit level under section 4245(b) (2) of the Act that is below the level of guaranteed benefits or that determine that the plan will be unable to pay guaranteed benefits for any month during an insolvency year shall apply for financial assistance from the PBGC in accordance with § 2675.38.

Subpart C—Benefit Reductions

§ 2675.21 Purpose and scope.

This subpart sets forth procedures under which the sponsor of a terminated plan shall amend the plan to reduce benefits in accordance with section 4281(c) of the Act and § 2675.14(b) of this part. This subpart applies to a plan for which the annual valuation required by § 2675.14(a) indicates that the value of nonforfeitable benefits under the plan exceeds the value of the plan's assets including claims for withdrawal liability, if, at the end of the plan year for which that valuation was done, the plan provided any benefits subject to reduction. Benefit reductions required to

be made under this subpart shall apply only to accrued benefits under plans or plan amendments adopted after March 26, 1980, or under collective bargaining agreements entered into after March 26, 1980.

§ 2675.22 Plan amendment.

The plan sponsor of a plan described in § 2675.21 shall amend the plan to eliminate those benefits subject to reduction in excess of the value of benefits that can be provided by plan assets. Such reduction shall be effected by a *pro rata* reduction of all benefits subject to reduction or by elimination or *pro rata* reduction of any category of benefit. Benefit reductions required by this section shall apply only prospectively. An amendment required under this section shall take effect no later than six months after the end of the plan year for which it is determined that the value of nonforfeitable benefits exceeds the value of the plan's assets.

§ 2675.23 Notice of benefit reductions.

(a) *Requirement of notices.* A plan sponsor of a multiemployer plan under which a plan amendment reducing benefits is adopted pursuant to section 4281(c) of the Act, shall so notify the PBGC and plan participants and beneficiaries whose benefits are reduced by the amendment. The notices shall be delivered in the manner and within the time prescribed and shall contain the information described in this section. The notice required in this section shall be filed in lieu of the notice described in section 4244A(b) (2) of the Act.

(b) *When delivered.* The plan sponsor shall mail or otherwise deliver the notices of benefits reduction no later than the earlier of—

- (1) 45 days after the amendment reducing benefits is adopted; or
- (2) the date of the first reduced benefit payment.

(c) *Method of delivery.* The notices of benefit reductions shall be delivered by mail or by hand to the PBGC and to plan participants and beneficiaries who are in pay status when the notice is required to be delivered or who are reasonably expected to enter pay status before the end of the plan year after the plan year in which the amendment is adopted. The notice to other participants and beneficiaries whose benefit is reduced by the amendment shall be provided in any manner reasonably calculated to reach those participants and beneficiaries. Reasonable methods of notification include, but are not limited to, posting the notice at participants' worksites or publishing the notice in a union newsletter or newspaper of

general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(d) *Contents of notice to the PBGC.* A notice of benefit reduction required to be filed with the PBGC pursuant to paragraph (a) of this section shall contain the following information:

- (1) The name of the plan.
- (2) The name, address, and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.
- (3) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the notice shall so state.
- (4) The case number assigned by the PBGC to the filing of the plan's notice of termination pursuant to Part 2673 of this chapter.
- (5) A statement that a plan amendment reducing benefits has been adopted, listing the date of adoption and the effective date of the amendment.
- (6) A certification, signed by the plan sponsor or its duly authorized representative, that notice of the benefit reductions has been given to all participants and beneficiaries whose benefits are reduced by the plan amendment, in accordance with the requirements of this section.

(e) *Contents of notice to participants and beneficiaries.* A notice of benefit reductions required under paragraph (a) of this section to be given to plan participants and beneficiaries whose benefits are reduced by the amendment shall contain the following information:

- (1) The name of the plan.
- (2) A statement that a plan amendment reducing benefits has been adopted, listing the date of adoption and the effective date of the amendment.
- (3) A summary of the amendment, including a description of the effect of the amendment on the benefits to which it applies.
- (4) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

(f) *Contents of notice to the PBGC.* A notice of benefit reductions required under paragraph (a) of this section to be given to the PBGC shall contain the following information:

- (1) The name of the plan.
- (2) A statement that a plan amendment reducing benefits has been adopted, listing the date of adoption and the effective date of the amendment.
- (3) A summary of the amendment, including a description of the effect of the amendment on the benefits to which it applies.
- (4) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

§ 2675.24 Restoration of benefits.

(a) *General.* The plan sponsor of a plan that has been amended to reduce benefits under this subpart shall amend the plan to restore those benefits before adopting any amendment increasing

benefits under the plan. A plan is not required to make retroactive benefit payments with respect to any benefit that was reduced and subsequently restored in accordance with this section.

(b) *Notice of the PBGC.* The plan sponsor shall notify the PBGC in writing of any restoration under this section. The notice shall include the information specified in § 2675.23(d)(1)-(d)(3); a statement that a plan amendment restoring benefits has been adopted, the date of adoption, and the effective date of the amendment; and a certification, signed by the plan sponsor or its duly authorized representative, that the amendment has been adopted in accordance with this section.

Subpart D—Benefit Suspensions

§ 2675.31 Purpose and scope.

The subpart sets forth the procedures under which the plan sponsor of an insolvent plan must suspend benefit payments and issue insolvency notices in accordance with section 4281(d) of the Act and § 2675.15(c) and (d) of this part. This subpart applies to a plan that has been amended under section 4281(c) of the Act and Subpart C of this part to eliminate all benefits subject to reduction and to a plan that provided no benefits subject to reduction as of the date on which the plan terminated.

§ 2675.32 Benefit suspensions.

If the sponsor determines that the plan is or is expected to be insolvent for a plan year, it shall suspend benefits the extent necessary to reduce the benefits to the greater of the resource benefit level or the level of guaranteed benefits.

§ 2675.33 Retroactive payments.

(a) *Erroneous resource benefit level.* If, by the end of a year in which benefit were suspended under § 2675.32, the plan sponsor determines in writing that the plan's available resources in that year could have supported benefit payments above the resource benefit level determined for that year, the plan sponsor may distribute the excess resources to all participants and beneficiaries who received benefit payments that year on a *pro rata* basis. Distributions under this paragraph per participant may not exceed the amount that, when added to benefit payments already made, brings the total benefit for the plan year up to the total benefit provided under the plan.

(b) *Benefits paid below resource benefit level.* If, by the end of a plan year in which benefits were suspended under § 2675.32, and benefit has not been paid at the resource benefit level, amounts up to the resource benefit level

that were unpaid shall be distributed to all the participants and beneficiaries on a *pro rata* basis to the extent possible, taking into account the plan's total available resources in that year.

§ 2675.34 Notices of insolvency and annual updates.

(a) *Requirement of notices of insolvency.* A plan sponsor that determines that the plan is, or is expected to be, insolvent for a plan year shall issue notices of insolvency to the PBGC and to plan participants and beneficiaries. Once notices of insolvency have been issued to the PBGC and to plan participants and beneficiaries, no notice of insolvency needs to be issued for subsequent insolvency years. Notices shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2675.35.

(b) *Requirements of annual updates.* A plan sponsor that has issued notices of insolvency to the PBGC and to plan participants and beneficiaries shall thereafter issue annual updates to the PBGC and participants and beneficiaries for each plan year beginning after the plan year for which the notice of insolvency was issued. However, the plan sponsor need not issue an annual update to plan participants and beneficiaries who are issued notices of insolvency benefit level in accordance with § 2675.36 for the same insolvency year. A plan sponsor that, after issuing annual updates for a plan year, determines under § 2675.15(b) that the plan is or may be insolvent for that plan year need not issue revised annual updates. Annual updates shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2675.35.

(c) *Notices of insolvency—when delivered.* Except as provided in the next sentence, the plan sponsor shall mail or otherwise deliver the notice of insolvency no later than 30 days after the plan sponsor determines that the plan is or may be insolvent. However, the notice to plan participants and beneficiaries in pay status may be delivered concurrently with the first benefit payment made after the determination of insolvency.

(d) *Annual updates—when delivered.* Except as provided in the next sentence, the plan sponsor shall mail or otherwise deliver annual updates no later than 60 days before the beginning of the plan year for which the annual update is issued. A plan sponsor that determines under § 2675.15(b) that the plan is or may be insolvent for a plan year and

that has not at that time issued annual updates for that year, shall mail or otherwise deliver the annual updates by the later of 60 days before the beginning of the plan year or 30 days after the date of the plan sponsor's determination under § 2675.15(b).

(e) *Notices of insolvency—method of delivery.* The notices of insolvency shall be delivered by mail or by hand to the PBGC and to plan participants and beneficiaries in pay status when the notice is required to be delivered. Notice to participants and beneficiaries not in pay status shall be provided in any manner reasonably calculated to reach those participants and beneficiaries. Reasonable methods of notification include, but are not limited to, posting the notice at participants' worksites or publishing the notice in a union newsletter or newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(f) *Annual updates—method of delivery.* Each annual update shall be delivered by mail or by hand to the PBGC. Each annual update to plan participants and beneficiaries shall be provided in any manner reasonably calculated to reach participants and beneficiaries. Reasonable methods of notification include, but are not limited to, posting the notice at participants' worksites and publishing the notice in a union newsletter or newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to the participant's beneficiary or beneficiaries.

§ 2675.35 Contents of notices of insolvency and annual updates.

(a) *Notice of insolvency to the PBGC.* A notice of insolvency required under § 2675.34(a) to be filed with the PBGC shall contain the following information:

- (1) The name of the plan.
- (2) The name, address, and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.
- (3) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the notice shall so state.
- (4) The IRS Key District that has jurisdiction over determination letters with respect to the plan.

(5) The case number assigned by the PBGC to the filing of the plan's notice of termination pursuant to Part 2673 of this chapter.

(6) The plan year for which the plan sponsor has determined that the plan is or may be insolvent.

(7) A copy of the plan document currently in effect, *i.e.*, a copy of the last restatement of the plan and all subsequent amendments. However, if a copy of the plan document was submitted to the PBGC with a previous filing, only subsequent plan amendments need be submitted, and the notice shall state when the copy of the plan document was filed.

(8) A copy of the most recent actuarial report for the plan. If the actuarial valuation was previously submitted to the PBGC, it may be omitted and the notice shall state the date on which the document was filed and that the information is still accurate and complete.

(9) The estimated amount of annual benefit payments under the plan (determined without regard to the insolvency) for the insolvency year.

(10) The estimated amount of the plan's available resources for the insolvency year.

(11) The estimated amount of the annual benefits guaranteed by the PBGC for the insolvency year.

(12) A statement indicating whether the notice of insolvency is the result of an insolvency determination under § 2675.1(a) or (b).

(13) A certification signed by the plan sponsor or its duly authorized representative, that notices of insolvency have been given to all plan participants and beneficiaries in accordance with this part.

(b) *Notice of insolvency to participants and beneficiaries.* A notice of insolvency required under § 2675.34(a) to be issued to plan participants and beneficiaries shall contain the following information:

(1) The name of the plan.

(2) A statement of the plan year for which the plan sponsor has determined that the plan is or may be insolvent.

(3) A statement that benefits above the amount that can be paid from available resources or the level guaranteed by the PBGC, whichever is greater, will be suspended during the insolvency year, with a brief explanation of which benefits are guaranteed by the PBGC.

(4) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

(c) *Annual update to the PBGC.* Each annual update required by § 2675.34(b) to be filed with PBGC shall contain the following information:

(1) The case number assigned by the PBGC to the filing of the plan's notice of termination pursuant to Part 2673 of this chapter.

(2) A copy of the annual update to plan participants and beneficiaries, as described in paragraph (d) of this section, for the plan year.

(3) A statement indicating whether the annual update is the result of an insolvency determination under § 2675.15(a) or (b).

(4) A certification, signed by the plan sponsor or a duly authorized representative, that the annual update has been given to all plan participants and beneficiaries in accordance with this part.

(d) *Annual updates to participants and beneficiaries.* Each annual update required by § 2675.34(b) to be issued to plan participants and beneficiaries shall contain the following information:

(1) The name of the plan.

(2) The date the notice of insolvency was issued and the insolvency year identified in the notice.

(3) The plan year to which the annual update pertains and the plan sponsor's determination whether the plan may be insolvent in that year.

(4) If the plan may be insolvent for the plan year, a statement that benefits above the amount that can be paid from available resources or the level guaranteed by the PBGC, whichever is greater, will be suspended during the insolvency year, with a brief explanation of which benefits are guaranteed by the PBGC.

(5) If the plan will not be insolvent for the plan year, a statement that full nonforfeitable benefits under the plan will be paid.

(6) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

§ 2675.36 Notices of insolvency benefit level.

(a) *Requirement of notices.* For each insolvency year, the plan sponsor shall issue a notice of insolvency benefit level to the PBGC and to plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year. The notices shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2675.37.

(b) *When delivered.* The plan sponsor shall mail or otherwise deliver the

notices of insolvency benefit level no later than 60 days before the beginning of the insolvency year. A plan sponsor that determines under § 2675.15(b) that the plan is or may be insolvent for a plan year shall mail or otherwise deliver the notices of insolvency benefit level by the later of 60 days before the beginning of the insolvency year or 60 days after the date of the plan sponsor's determination under § 2675.15(b).

(c) *Method of delivery.* The notices of insolvency benefit level shall be delivered by mail or by hand to the PBGC and to plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year.

§ 2675.37 Contents of notices of insolvency benefit level.

(a) *Notice to the PBGC.* A notice of insolvency benefit level required by § 2675.36(a) to be filed with the PBGC shall contain the following information:

(1) The name of the plan.

(2) The name, address, and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.

(3) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the notice shall so state.

(4) The IRS Key District that has jurisdiction over determination letters with respect to the plan.

(5) The case number assigned by the PBGC to the filing of the plan's notice of termination pursuant to Part 2673 of this chapter.

(6) The insolvency year for which the notice is being filed.

(7) A copy of the plan document currently in effect, *i.e.*, a copy of the last restatement of the plan and all subsequent amendments. However, if a copy of the plan was submitted to the PBGC with a previous notice of insolvency or notice of insolvency benefit level, only subsequent plan amendments need be submitted, and the notice shall state when the copy of the plan was submitted.

(8) A copy of the most recent actuarial report for the plan. If the actuarial report was previously submitted to the PBGC, it may be omitted from the notice, and the notice shall state the date on which the document was filed and that the information is still accurate and complete.

(9) The estimated amount of annual benefit payments under the plan (determined without regard to the insolvency) for the insolvency year.

(10) The estimated amount of the plan's available resources for the insolvency year.

(11) The estimated amount of the annual benefits guaranteed by the PBGC for the insolvency year.

(12) The amount of financial assistance, if any, requested from the PBGC. (When financial assistance is requested, the plan sponsor shall submit an application in accordance with § 2675.38.)

(13) A statement indicating whether the notice of insolvency benefit level is the result of an insolvency determination under § 2675.15 (a) or (b).

(14) A certification, signed by the plan sponsor (or a duly authorized representative) that a notice of insolvency benefit level has been sent to all plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year, in accordance with this part.

(b) *Notice to participants in or entering pay status.* A notice of insolvency benefit level required by § 2675.36(a) to be delivered to plan participants and beneficiaries in pay status or reasonably expected to enter pay status during the insolvency year for which the notice is given, shall contain the following information:

(1) The name of the plan.
(2) The insolvency year for which the notice is being sent.

(3) The monthly benefit that the participant or beneficiary may expect to receive during the insolvency year.

(4) A statement that in subsequent plan years, depending on the plan's available resources, this benefit level may be increased or decreased but not below the level guaranteed by the PBGC, and that the participant or beneficiary will be notified in advance of the new benefit level if it is less than the participant's full nonforfeitable benefit under the plan.

(5) The amount of the participant's or beneficiary's monthly nonforfeitable benefit under the plan.

(6) The amount of the participant's or beneficiary's monthly benefit that is guaranteed by the PBGC.

(7) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits.

§ 2675.38 Application for financial assistance.

(a) *General.* If the plan sponsor determines that the plan's resource

benefit level for an insolvency year is below the level of benefits guaranteed by PBGC or that the plan will be unable to pay guaranteed benefits when due for any month during the year, the plan sponsor shall apply to the PBGC for financial assistance pursuant to section 4261 of the Act. The application shall be filed within the time prescribed in paragraph (b). When the resource benefit level is below the guarantee level, the application shall contain the information set forth in paragraph (c). When the plan is unable to pay guaranteed benefits for any month, the application shall contain the information set forth in paragraph (d).

(b) *When to apply.* When the plan sponsor determines a resource benefit level that is less than guaranteed benefits, it shall apply for financial assistance at the same time that it submits its notice of insolvency benefit level pursuant to § 2675.36. When the plan sponsor determines an inability to pay guaranteed benefits for any month, it shall apply for financial assistance within 15 days after making that determination.

(c) *Contents of application—resource benefit level below level of guaranteed benefits.* A plan sponsor applying for financial assistance because the plan's resource benefit level is below the level of guaranteed benefits shall file an application that includes the following information:

(1) The name of the plan.
(2) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.
(3) The nine-digit Employer Identification Number (EIN) assigned to the plan sponsor by the Internal Revenue Service and the three-digit Plan Identification Number (PIN) assigned to the plan by the plan sponsor. If different, the sponsor shall also include the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the application shall so state.

(4) The IRS Key District that has jurisdiction over determination letters with respect to the plan.

(5) The case number assigned by the PBGC to the filing of the plan's notice of termination pursuant to Part 2673 of this chapter.

(6) The insolvency year for which the application is being filed.

(7) A participant data schedule showing each participant and beneficiary in pay status or reasonably expected to enter pay status during the year for which financial assistance is requested, listing for each—

(i) name;
(ii) sex;

(iii) date of birth;
(iv) credited service;
(v) vested accrued monthly benefit;
(vi) monthly benefit guaranteed by PBGC;

(vii) benefit commencement date; and
(viii) type of benefit.

(d) *Contents of application—unable to pay guaranteed benefits for any month.* A plan sponsor applying for financial assistance because the plan is unable to pay guaranteed benefits for any month shall file an application that includes the data described in paragraphs (c)(1)–(c)(5), the month for which financial assistance is requested, and the plan's available resources and guaranteed benefits payable in that month. The participant data schedule described in paragraph (c)(7) shall be submitted upon the request of the PBGC.

(e) *Additional information.* The PBGC may request any additional information that it needs to calculate or verify the amount of financial assistance necessary as part of the conditions of granting financial assistance pursuant to section 4261 of the Act.

Subpart E—Close-out of Sufficient Plans

§ 2675.41 General rule.

If a plan's assets, excluding any claim of the plan for unpaid withdrawal liability, are sufficient to satisfy all obligations for nonforfeitable benefits provided under the plan, the plan sponsor may close out the plan in accordance with this subpart by distributing plan assets in full satisfaction of all nonforfeitable benefits under the plan.

§ 2675.42 Method of distribution.

The plan sponsor shall distribute plan assets by purchasing from an insurer contracts to provide all benefits required by § 2676.43 to be provided in annuity form and by paying in a lump sum (or other alternative elected by the participant) all other benefits.

§ 2675.43 Benefit forms.

(a) *General rule.* Except as provided in paragraph (b) of this section, the sponsor of a plan that is closed out shall provide for the payment of benefits attributable to employer contributions only in the form of an annuity.

(b) *Exceptions.* The plan sponsor may pay benefits attributable to employer contributions in a form other than an annuity under any of the following circumstances:

(1) The present value of the participant's entire nonforfeitable benefit, determined in accordance with § 2676.13, does not exceed \$1,750.

(2) The payment is for death benefits provided under the plan.

(3) The participant elects an alternative form of distribution under paragraph (c).

(c) *Alternative forms of distribution.* The plan sponsor may allow participants to elect alternative forms of distribution in accordance with this paragraph. When a form of distribution is offered as an alternative to the normal form, the plan sponsor shall notify each participant, in writing, of the form and estimated amount of the participant's normal form of distribution and that the PBGC does not guarantee the benefit payable in the alternative form. The notification to participants shall describe any risks attendant to the alternative form. Participant's elections of alternative forms shall be in writing.

§ 2675.44 Cessation of withdrawal liability.

The obligation of an employer to make payments of initial withdrawal liability and mass withdrawal liability shall cease on the date on which the plan's assets are distributed in full satisfaction of all nonforfeitable benefits provided by the plan.

Issued at Washington, DC on this 30th day of June 1986.

William E. Brock,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors approving this proposed regulation and authorizing its chairman to issue same.

Edward R. Mackiewicz,

Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 86-15119 Filed 7-3-86; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 800

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Performance Bonds; Petition for Rulemaking

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of decision on petition for rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is making available to the public its final decision on a petition for rulemaking from the Joint National Coal Association/American Mining Congress

(NCA/AMC) Committee on Surface Mining Regulations. The petition requested that OSMRE revise the bonding regulations of 30 CFR 800.5, 800.12, 800.16, 800.21 and 800.23. On June 16, 1986, in a letter to the petitioners, the Director made a decision granting one proposal and rejecting the two other proposals in the petition. OSMRE will propose rulemaking to revise 30 CFR 800.23 to allow for third-party guarantees for an applicant's self-bond.

ADDRESS: Copies of this petition, 30 CFR Part 800 and other relevant materials comprising the administrative record of this petition are available for public review and copying at OSMRE, Administrative Record, Room 5315L, 1100 L Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Frank Mancino, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Ave., NW., Washington, DC 20240; telephone 202-343-7952.

SUPPLEMENTARY INFORMATION:

I. Petition for Rulemaking Process

Pursuant to section 201(g) of the Surface Mining Control and Reclamation Act of 1977 (the Act) any person may petition the Director of OSMRE for a change in OSMRE's regulations. If the petition is granted, the Director initiates a rulemaking proceeding. If the petition is denied, the Director notifies the petitioner in writing, setting forth the reasons for denial. Under § 700.12(d), the Director's decision constitutes the final decision for the Department of the Interior.

II. The NCA/AMC Petition

OSMRE received a letter dated September 19, 1985 from the NCA/AMC Joint Committee on Surface Mining Regulations presenting a petition for revision of certain bonding requirements of 30 CFR Part 800. On October 29, 1985 OSMRE published in the *Federal Register* (50 FR 43722) a request for public comments on the revisions suggested by NCA/AMC.

The decision of the Director accepts one provision of the petition and rejects the two others. As a result of this decision, OSMRE will initiate rulemaking proceedings and publish a Notice of Proposed Rulemaking with an appropriate public comment period. The Director's response to the petitioner on this rulemaking petition appears as an appendix to this notice. The response contains the Director's decision, a summary description of the issues raised by the petitioner, a discussion of OSMRE's current regulatory bonding program, an analysis of the petitioner's

proposed regulatory changes, and a discussion of the comments received on the petition.

Dated: June 27, 1986.

James W. Workman,
Acting Director.

Appendix

This responds to the September 19, 1985, petition for rulemaking to the Office of Surface Mining Reclamation and Enforcement (OSMRE) on behalf of the Joint NCA/AMC Committee on Surface Mining Regulations to amend certain OSMRE bonding regulations.

On October 2, 1985, the Director determined that the petition for rulemaking had sufficient basis to seek public comments on the proposed rule changes. Accordingly, OSMRE published a request for comment on the petition on October 29, 1985, in the *Federal Register* (50 FR 43722). The comment period closed on December 13, 1985. Nine comments were received by OSMRE during the comment period. This letter informs you of my decision to grant the petition in part and to deny the petition in part, which, as provided in 30 CFR 700.12(d), constitutes the final decision for the Department of the Interior.

This letter is divided into six sections. The first section, Final Decision, summarizes this decision. The second section, Substance of the Petition, is a discussion of issues raised by the petitioner. The third section discusses the current OSMRE regulatory program. The fourth section discusses comments submitted by persons other than the petitioner. The fifth section analyzes the proposals of the petition. The sixth section discusses related OSMRE bonding actions.

Final Decision

I am granting in part the petition to initiate rulemaking. As a result, a rule will be proposed to provide for the nonparent guarantees for self-bonding proposed by the petition. OSMRE is developing appropriate language to implement this proposal and will publish a Notice of Proposed Rulemaking (NPR) in the *Federal Register*.

Substance of the Petition

The petitioner expressed concern about some coal mining companies being unable to afford bonds in the amounts reached as a result of the methodology for calculating bond amounts.

The petitioner sought amendment to 30 CFR 800.5, 800.12, 800.16, 800.21 and 800.23 for the following three proposals:

(1) Allowance for third party nonparent self-bonding. This proposal would amend 30 CFR 800.23 to allow a permit applicant to have its self-bond guaranteed by any third party that meets the conditions of 30 CFR 800.23.

(2) Authority for the creation of a sinking fund by a permit applicant or third party to displace bonding liability. This proposal would amend the regulations so that a permittee or third party could place current revenues into a fund that would cover the calculated bond costs.

(3) Revision of the financial criteria of the self-bonding regulations. This proposal would revise 30 CFR 800.23 to provide for the consideration of the following items in determining the self-bonding limit for a permittee:

- Length and type of sales contract
- Financial strength of the operator
- Operating and regulatory compliance history of the operator
- Stability of customer
- Contract provisions
- Size of operation and production
- Type of capital investment
- Land tenure provisions
- Fixed asset value of the coal reserve

• Marketing history

In addition, the proposal would change the limit of 25 percent of an applicant's tangible net worth for self-bonding purposes to allow for an upward adjustment whenever an applicant can assure continued operation, considering the above financial factors.

Current OSMRE Regulatory Program

OSMRE regulations at 30 CFR Part 800 establish the requirements of bonding and insurance for all applicants for a surface coal mining operation permit. The current regulations at 30 CFR 800.12, provide for three separate types of bonding: surety bonds, collateral bonds, and self-bonds. The regulations also provide the criteria for determining bond amounts, release of bonds, the period of liability, bond adjustment, bond replacement, bond forfeiture, and liability insurance.

30 CFR 800.23 establishes the provisions for self-bonding. The present self-bonding regulations allow an applicant for a permit or its parent company to obtain a self-bond if financial information is submitted to show that the applicant or parent meets the criteria for approval. The criteria for approval require either: 1) A minimum bond rating of "A" for its most recent bond issues; 2) a tangible net worth of at least \$10 million, a ratio of 2.5 or less of total liabilities to net worth and a ratio of 1.2 or more of current assets to

current liabilities; or 3) fixed assets in the U.S. of at least \$20 million, and a ratio of 2.5 or less total liabilities to net worth and a ratio of 1.2 or more of current assets to current liabilities.

In addition to the above criteria and the financial information, an applicant for a self-bond cannot have more than 25 percent of its net worth committed to self-bonds.

Collateral bonds are defined in 30 CFR 800.5 as cash accounts, negotiable bonds of the U.S., a State or a municipality, negotiable certificates of deposit, irrevocable letters of credit, first-lien security interest in real property or other investment-grade rated securities of at least an "A" rating or equivalent, all of which are endorsed to the regulatory authority.

30 CFR 800.21 establishes the criteria for collateral bonds and requires that cash accounts be established in a Federally insured or equivalently protected institution. This section provides for payment of interest on such accounts to the operator as approved by the regulatory authority and limits each account to less than \$100,000 or an amount determined by the Federal Deposit Insurance Corporation. The total bond including the cash account is not to be less than the amount determined under 30 CFR 800.40.

Comments Received

OSMRE received 9 comments on the petition for rulemaking. These comments can be divided into two groups: Those favoring the entire petition, and those in favor of certain specific provisions of the petition. No comment was against the entire petition.

Those commenters in favor of the entire petition stated that they supported the petition because of the high costs of surety bonding and because obtaining a surety bond was becoming more difficult.

One commenter who supported the petition recommended that the Director encourage all parties to propose any ideas or alternatives which would assist in solving the problems of bond limits and availability. Another commenter stated that the provision for sinking funds must be more specific and establish criteria to ensure that such funds could be used only for reclamation costs. Another commenter opposed the proposal which could allow the self-bond limit to include consideration of long-term contracts, specifically, and opposed the general economic and financial factors on the grounds that it places the regulatory authority in a position of speculation on future economic conditions.

Analysis of NCA/AMC Recommended Changes

(1) Third party nonparent self-bonding.

In the 1983 revisions to the bonding regulations (48 FR 36425) OSMRE considered allowing the guarantee of self-bonds by companies which were not parent to the permit applicant. At that time, OSMRE decided not to consider the provision on the grounds that it did not provide sufficient assurances of a direct interest in the successful reclamation operations of the permit applicant. However, OSMRE has recently been given information on large mines where nonparent parties have a direct interest in the operation of the mine. For instance, the San Juan mine is operated by Utah International in New Mexico which is the sole supplier of coal to the San Juan power plant. In this situation, the owner of the San Juan power plant, Public Service Company of New Mexico, would have a significant economic interest in the permittee to safeguard the proper operation and reclamation of the San Juan mine. Therefore, allowance of such a provision would not necessarily entail greater risk to the regulatory authority. OSMRE has decided that the issue should be reexamined at this time, and a proposed rule incorporating the suggested provision to allow third party guarantors, if certain safeguards are present, is warranted. Precise details of such provisions, including appropriate safeguards, will be developed.

(2) Authority for the creation of a sinking fund.

The petitioner proposes that "authority should be granted for the permittee or third party nonparent to create a sinking fund for reclamation costs that would at least partially displace bonded liability." Section 509(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1259(a), requires an applicant to file with the regulatory authority a performance bond meeting certain specified conditions. A sinking fund as requested by the petitioners would not satisfy the requirements of section 509(a) for a bond of a particular amount to be posted prior to permit issuance.

Section 509(c) of SMCRA authorizes the approval of alternative systems that will achieve the objectives and purposes of section 509. The petitioners failed to demonstrate how an alternative system employing a sinking fund would achieve the purposes and objectives of section 509. A sinking fund under the control of the permittee or third party nonparent would not provide the regulatory

authority the necessary control over the set aside funds, or a priority claim in the event of permittee insolvency, to ensure the satisfactory completion of reclamation, as required by Section 509. Therefore, OSMRE rejects this proposal of the petitioner.

(3) Revision of the self-bonding limit and consideration of financial factors.

30 CFR 800.23 was established to provide for self-bonding. The requirements of this section are indicators of a company's solvency, which can be determined and monitored by a regulatory authority without specialized financial expertise. The revised criteria proposed by the petitioners could substantially increase the burden on the regulatory authority, both in terms of the amount of work to be done and the type of expertise that would have to be established. The petitioner has not convinced OSMRE that the benefits which could be obtained from changing the criteria in § 800.23 outweigh the added complexity of analysis that would result. As to two of the criteria proposed by the petitioner—namely land tenure provisions, and the fixed asset value of the coal reserve in place—OSMRE considered during the 1983 rulemaking allowing unimproved land and coal reserves to be part of the calculation of fixed assets (48 FR 36424) but decided against this because such values could not be reliably appraised due to market fluctuations. Because such values can fluctuate from year to year, consideration of such factors would impose an unacceptable level of risk to the regulatory authority. Therefore, OSMRE does not accept the proposal of the petition to amend this part of the regulations for the consideration of certain financial or economic factors in calculating the fixed assets of a company.

With regard to the suggestion that the 25 percent net worth limitation of a self-bond be changed to a minimum limit that can be adjusted upward where the assurance of continued operation is reinforced by the financial and economic factors recommended by the petition, OSMRE concludes that such a revision would not provide adequate assurance of continued operation unless the regulatory authority also considers the financial and economic factors recommended by the petition. OSMRE is not willing to accept such factors for inclusion in the self-bonding regulations for the reason discussed above. Therefore, the proposal to change the present net worth limit for self-bonds is not accepted.

Based on the foregoing, I have concluded that the proposal for

nonparent guarantees for the self-bond of a permit applicant, proposed by the petitioner, is acceptable for a proposed regulatory revision. The two other proposals, revision of the self-bond limits and proposal of a sinking fund, will not be accepted for regulatory revision at this time for the reasons discussed in the above section.

[FR Doc. 86-15079 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-4-FRL-3045-6]

Georgia; Final Authorization of State Hazardous Waste Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on Georgia's application for revisions to its hazardous waste program, public comment period, and opportunity for public hearing.

SUMMARY: Georgia has applied for final authorization for revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Georgia's application and has made the tentative decision that Georgia's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA tentatively intends to grant final authorization for the program revisions. The Agency is today proposing and requesting public comment on its tentative approval of Georgia's hazardous waste program. Georgia's application for program revision is available for public review and comment, and a public hearing will be held to solicit comments on the application if significant public interest is expressed.

DATES: Comments on Georgia's program revision application must be received by the close of business on August 6, 1986. If significant interest for a public hearing is expressed, a public hearing is scheduled for 7:00 p.m., Wednesday, August 6, 1986. EPA will determine, on August 6, 1986, whether there is significant interest to hold the public hearing. For information on whether or not EPA will hold a public hearing on Georgia's application, telephone the contact person listed below on or after August 6, 1986. Georgia will participate

in the public hearing if a hearing is to be held.

ADDRESSES: Copies of Georgia's program revision application are available weekdays from 8:00 a.m. to 4:00 p.m. at the following addresses for inspection and copying: Georgia Department of Natural Resources, Land Protection Branch, Room 1154, 205 Butler Street, SE., Floyd Towers East, Atlanta, Georgia 30334; 404/656-2833; U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460; 202/382-5926; U.S. EPA Region IV, Library, 345 Courtland St., NE., Atlanta, Georgia 30365; 404/347-4216. Written comments on the application must be communicated to Otis Johnson at the address listed below.

FOR FURTHER INFORMATION CONTACT: Otis Johnson, Chief, Waste Planning Section, Residuals Management Branch, U.S. EPA, 345 Courtland St., NE., Atlanta, Georgia 30365, 404/347-3016.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260-266 and 124 and 270. Also, the Hazardous and Solid Waste Amendments of 1984 (Pub.L. 98-616, November 8, 1984, hereinafter "HSWA") extensively amended RCRA, thereby necessitating State program revisions.

B. Georgia

Georgia initially received final authorization on August 21, 1984. On September 26, 1985, Georgia submitted a program revision application for additional program approvals, including specific provisions of the Hazardous and Solid Waste Amendments of 1984. Today, Georgia is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(4).

EPA has reviewed Georgia's application, and has tentatively determined that Georgia's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently,

EPA tentatively intends to grant Georgia final authorization for the program modifications. The public may submit written comments on EPA's decision up until August 6, 1986. In making its final decision, EPA will consider public comments on its tentative determination. Copies of Georgia's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Georgia's program revision shall become effective when the Administrator's final approval is published in the *Federal Register*. If adverse comment pertaining to Georgia's program revision discussed in this notice is received, EPA will publish either: (1) A notice of disapproval or (2) a final rulemaking approving the modifications, which would include responses to all major comments.

C. Supplemental Information

The Georgia Hazardous Waste Management Act has been effective since 1979. Amendments were made to State statutes and regulations to maintain equivalency with changes in Federal program requirements promulgated on or before July 15, 1985, including the changes promulgated under the 1984 Hazardous and Solid Waste Amendments. Amendments to the Act became effective March 14, 1985 and April 3, 1986. The Rules for Hazardous Waste Management, as amended, became effective September 26, 1985.

The State has applied for final authorization for all changes made to the Federal program from the date Georgia received RCRA final authorization up to and including the July 15, 1985 codification rule, except for authority to implement RCRA section 3005(j).

The proposed revisions to Georgia's hazardous waste program are:

I. Identification-and-listing

State Statutes and Regulations

1. Define hazardous waste so as to control all the hazardous waste controlled under 40 CFR Part 261 as of February 1, 1985;

2. List those hazardous wastes controlled under 40 CFR Part 261, including chlorinated aliphatic hydrocarbons and dioxin listing and management standards;

3. Expand the household waste exclusion to include wastes from bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas;

4. Control the generation, transportation, treatment, storage and disposal of hazardous waste produced by generators of between 100-1000 kg/month.

5. Provide authority to delist waste. The State, before deciding to delist a waste, must consider whether any listing factor (including additional constituents) other than those for which the waste was listed would cause the waste to be hazardous. In addition, there may be no new temporary delistings without prior notice and comment. All temporary delistings lapse if not made final by November 8, 1986.

II. Standards for Generators of Hazardous Waste

State Statutes and Regulations

1. Require generators to submit reports and manifest certifications regarding efforts taken to minimize the amounts and toxicity of waste;

2. Allow generators to accumulate up to 55 gallons of hazardous waste, or one quart of acutely hazardous waste listed in 40 CFR 261.33(e), in satellite areas at the generator's facility provided that: (1) The waste are placed in containers that are in good condition; (2) the wastes are compatible with their containers; and (3) the containers are marked with the words "Hazardous Wastes" or other words that identify the contents.

III. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

State Statutes and Regulations

1. Require evidence of financial responsibility for corrective action on and off-site;

2. Prohibit land disposal (including but not limited to landfills, surface impoundments, waste piles, deep injection wells, land treatment facilities, salt dome and bed formations and mines or caves) of hazardous waste prohibited under 40 CFR Part 264;

3. Impose special management and permitting standards for land disposal or incineration of listed dioxin waste, including the prohibitions applicable to interim status facilities in 40 CFR 265.1(d);

4. Prohibit the disposal of non-hazardous liquids in Subtitle C landfills unless: (a) The only reasonable alternative is disposal in a landfill or unlined impoundment, whether or not subject to Subtitle C, that contains or may contain hazardous waste and (b) disposal will not endanger an underground source of drinking water;

5. Prohibit the use of waste oil or other materials contaminated with hazardous waste (except ignitable wastes) as a

dust suppressant in accordance with 40 CFR Part 266;

6. Require new and expanding landfills and surface impoundments to have double liners, leachate collection, and groundwater monitoring;

7. Require groundwater monitoring of surface impoundments, waste piles, land treatment units, and landfills, with more limited variances available;

8. Require the regulation of fuel containing hazardous waste and all persons who produce, burn, distribute, and market fuel containing hazardous waste;

9. Exempt from regulation petroleum coke containing hazardous waste from petroleum refining if the coke is burned for energy recovery unless the coke exhibits a characteristic of hazardous waste;

10. Allow direct action against the insurer or guarantor of an owner/operator's financial responsibilities if an owner/operator is in bankruptcy, reorganization or where jurisdiction in any State or Federal Court cannot be obtained over an owner/operator likely to be solvent at time of judgment;

11. Require corrective action for any releases into the environment of hazardous waste or hazardous constituents at the facility seeking a permit, whether such a release is from a solid waste management unit or is from another source;

12. Require corrective action beyond a facility's boundary;

13. Introduce interim status standards for landfills;

14. Require use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste.

IV. Requirements for Permits

State Statutes and Regulations

1. Allow the owner of a facility (a) to construct an approved TSCA facility for burning PCB's without first obtaining a RCRA permit and (b) to apply subsequently for a RCRA permit;

2. Require review of land disposal permits every five years and modification of such permits as necessary to assure compliance with permitting regulations in effect at the time of the review and technology available at the time of the review in accordance with 40 CFR Part 270;

3. Require permits to contain any condition necessary to protect human health and the environment;

4. Require that for land disposal facilities qualifying for interim status prior to November 8, 1984, interim status terminated November 8, 1985 unless a

Part B application and certification of compliance with applicable groundwater monitoring and financial responsibility requirements were submitted by November 8, 1985 in accordance with 40 CFR Parts 270 and 271.1;

5. Require that interim status terminates for incinerator facilities by November 8, 1989 unless the owner/operator submits a Part B application by November 8, 1986 in accordance with 40 CFR Part 270;

6. Require that interim status terminates for any facility other than a land disposal or an incineration facility by November 8, 1992 unless the owner/operator submits a Part B application by November 8, 1988 in accordance with 40 CFR Part 270;

7. Allows facilities to qualify for interim status if they (a) are in existence on the effective date of statutory or regulatory changes that render the facility subject to the requirement to have a permit and (b) meet notice and permit application requirements;

8. Provide the facilities may not qualify for interim status under the State's analogue to RCRA section 8005(e) if they were previously denied a RCRA section 3005(c) permit or for which authority to operate has been terminated;

9. Allow the issuance of a one-year research, development demonstration permit for any hazardous waste treatment facility which proposes an innovative and experimental hazardous waste treatment technology or process not yet regulated in accordance with 40 CFR 270.65;

10. Require landfills, surface impoundments, land treatment units, and piles that received waste after July 26, 1982 and which qualify for interim status to comply with the groundwater monitoring, unsaturated zone monitoring, and corrective action requirements applicable to new units at the time of permitting in accordance with 40 CFR 264.90;

V. Authority to Share Information

Georgia's statutes and regulations require that information obtained on treatment, storage and disposal facilities be made available to the public in substantially the same manner and to the same degree as if EPA were running the program.

VI. Interim Status Minimum Technology Requirements

State's Status and Regulations

1. Require new units, expansions, and replacements of interim status waste piles to meet the requirements for a

single liner and leachate collection system in regulations applicable to permitted waste piles in accordance with 40 CFR Parts 264 and 265.

2. Require that new units, expansions, and replacement units at interim status landfills and surface impoundments meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments, in accordance with 40 CFR 265.221.

VII. Exposure Assessment

State laws and regulations require permit applicants for landfills or surface impoundments to submit exposure information in accordance with 40 CFR 270.10. Georgia will make such exposure and health assessment information available to the Agency for Toxic Substances and Disease Registry.

D. Joint Permitting

With the passage of the Hazardous and Solid Waste Amendments of 1984 (HSWA), responsibilities for hazardous waste permitting in Georgia are split between EPA and the State. Upon authorization of the State program for those HSWA provisions specified above, EPA will suspend issuance of Federal permits in those areas for which the State is receiving authorization. For a discussion of how Georgia and EPA will delineate permitting responsibilities, refer to the EPA-Georgia Memorandum of Agreement. This Memorandum of Agreement is included as part of the State's application for program revisions. The application is available at the locations indicated in the "ADDRESSES" section of this notice.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Inter-governmental regulations, Penalties, Reporting and recordkeeping requirements, Water pollution control. Water supply.

Authority: The notice is issued under the authority of sections 2002(A), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(A), 6926, 6974(b).

Dated: June 27, 1986.

Jack E. Ravan,

Regional Administrator.

[FR Doc. 86-15251 Filed 7-3-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-50532; FRL-2932-6]

40 CFR Part 721

Toxic Substances; Methyl n-Butyl Ketone; Proposed Determination of Significant New Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of TSCA that would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of methyl n-butyl ketone (MBK) (CAS Number 591-78-6) for any use. EPA believes that this action is necessary because MBK may be hazardous to human health, and any use of MBK and activities associated with such use may result in significant human exposure. The notice will furnish EPA with the information needed to evaluate an intended use and associated activities, and the opportunity to protect against potentially adverse exposure to the chemical substance before it can occur.

DATE: Written comments should be submitted by September 5, 1986.

ADDRESS: Comments should bear the docket control number OPTS-50532 and should be addressed to:

TSCA Public Information Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT:

Edward A. Klien, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll free:

(800-424-9065). In Washington, DC: (554-1404). Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a significant new use. This determination is made by rule after consideration of all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons, must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they commence that manufacture, import, or processing of the substance for that use.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR Part 707. Persons who intend to import a substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. The EPA policy in support of the import certification requirements appears at 40 CFR Part 707.

II. Applicability Of General Provisions

In the Federal Register of September 5, 1984 (49 FR 35011), EPA promulgated general provisions applicable to SNURs (40 CFR Part 721, Subpart A). EPA is proposing that these general provisions apply to this SNUR. The general provisions are discussed in detail in the cited Federal Register document, and interested persons should refer to that document for further information.

III. Summary of This Proposed Rule

EPA is proposing to designate any use of MBK as a significant new use of this chemical substance. Thus, this proposed rule would require persons who intend to manufacture, import, or process MBK for any use to notify EPA at least 90 days before such manufacture, import, or processing.

The notice is generally subject to the same statutory requirements and procedures as a premanufacture notice (PMN) submitted under section 5(a)(1)(A) of TSCA. In particular, these include the information submission requirements of sections 5(b) and (d)(2), and the exemption authorized by section 5(h). Once EPA has received a significant new use notice, EPA may take regulatory action pursuant to section 5(e), 5(f), 6, or 7 to control the substance. If no action is taken, section

5(g) requires the Agency to explain in the Federal Register its reasons for not taking action.

IV. Discussion of the Chemical Substance

A. Production and Use Data

MBK has been used as a solvent for lacquers, and in lacquer and varnish removers. Other uses include as a solvent for oils, fats, and waxes.

MBK has been produced commercially by the catalyzed reaction of acetic acid with ethylene under pressure. The 1977 TSCA Chemical Substances Inventory listed U.S. manufacture or import of between 1,000,000 and 10,000,000 pounds. Evidence of the neurotoxicity of MBK has led to voluntary industry control and reduction of use since 1974. The only MBK manufacturer in the U.S. discontinued production in 1979, and in 1980 and 1981 sold all remaining stockpiles to two customers for solvent use. This company has indicated that it does not plan to resume manufacture of MBK. No importers of MBK were identified. It is not likely that any MBK has been processed or used subsequent to 1982.

The National Occupational Hazard Survey (NOHS), 1972-1974, conducted by the National Institute for Occupational Safety and Health (NIOSH) estimated that there was potential use of MBK in 49 major Standard Industrial Classification industry divisions.

B. Human Health Effects

EPA has extensive data on the human health effects of MBK. Peripheral neuropathy resulting from MBK exposure has been observed in humans. These observations have been supported by similar results in toxicological testing on eight species of laboratory animals.

The toxic effects of human exposure to MBK were first noted in 1973, when 86 out of 1,161 workers in a treated fabrics plant in Ohio developed peripheral neuropathy. The neurological pattern of the disorders was distal motor and sensory disorder with minimal reflex loss. Symptoms were similar to neurotoxic effects induced by n-hexane. Subsequent studies from other industries where humans were occupationally exposed to MBK have reported identical toxic symptoms. These neurotoxic effects have been reproduced in monkeys, rats, chickens, cats, dogs, mice guinea pigs, and rabbits.

It is generally believed that MBK is metabolized readily to 2,5-hexanedione, which is the chemical substance eliciting the toxic effect. 2,5-Hexanedione is

believed to react irreversibly with amine side chains on neuroproteins. This leads to axonal degeneration of the distal parts of vulnerable nerves, accompanied by axonal swelling and myelin breakdown. At low doses, peripheral axons are selectively affected; larger doses are more likely to cause damage to central nervous system fibers in the spinal pathway. The mode of action of this substance generally produces permanent nerve damage in affected individuals.

Case studies indicate that the severity of neurotoxic symptoms in persons exposed to MBK decreases slowly after exposure has ended. Since damage to a nerve is generally permanent, any improvement in the condition of affected persons would be attributable to reduced axonal swelling rather than the repair of damaged nerve fiber.

Other toxic effects observed to have been caused by exposure to MBK include testicular atrophy in rats, and a moderate irritant effect on the skin, eyes, and mucous membranes of humans and laboratory animals.

C. Past and Current Exposure Data

During the early to mid-1970s there was considerable opportunity for human exposure to MBK. In 1981, NIOSH estimated that more than 190,000 persons per year were potentially occupationally exposed to MBK. This estimate was based upon the results of the NOHS, conducted in 1972 to 1974. Because the production of MBK ended in 1979, few, if any persons should actually be exposed at the present time. EPA does not expect this situation to change unless MBK is manufactured, imported, or processed for use again.

Exposure to MBK has been primarily via inhalation or skin contact. Exposure is mainly to MBK vapor, although skin and eye contact with the liquid is possible. In the past, concentrations have been measured in MBK manufacturing, processing, and use facilities and have ranged from below 0.01 mg/M³ to as high as 746 mg/M³. Average concentration levels were usually reported to be between 40 and 60 mg/M³.

D. Regulatory Background

The Occupational Safety and Health Administration (OSHA) permissible exposure limit for MBK is an 8-hour time-weighted average (TWA) of 100 ppm (410 mg/M³). The immediately dangerous to life and health level is 5,000 ppm. The American Conference of Governmental Industrial Hygienists recommends an 8-hour TWA of 5 ppm (20 mg/M³) and no allowable short-term

exposure limit. The NIOSH-recommended 10-hour TWA is 1 ppm (4.10 mg/M³).

Neuropathies resulting from MBK exposure have been observed in humans from air concentration reported to be as low as 9 ppm. It is also likely that dermal exposure to liquid MBK would elicit these same neurotoxic effects. For these reasons, the OSHA permissible exposure limit of 100 ppm may not adequately protect against unreasonable risk in the event of resumed manufacture, import, processing, or use.

V. Reasons For Proposing This Rule

MBK is a known neurotoxicant and is not currently manufactured, imported, processed, or used for commercial purposes. MBK is not subject to any Federal regulation that would notify the Federal government of activities that might result in adverse exposures to this substance or provide a regulatory mechanism that could protect human health from potentially adverse exposures before they occurred.

EPA believes that the resumption of any use of MBK and the related manufacture, import, or processing of MBK for such use has a high potential to increase the magnitude and duration of exposure to this substance and to change the type or form of exposure from that which currently exists. Given the toxicity of this chemical substance, the reasonably anticipated situations that could result in exposure, and the lack of sufficient existing regulatory controls, individuals could be exposed to MBK at levels which may result in adverse effects.

The consideration of these factors has resulted in EPA's decision to propose that any use of MBK be designated a significant new use of this chemical substance. Persons intending to manufacture, import, or process MBK for any use would be required to notify EPA 90 days before they begin such manufacture, import, or processing. Advance notification will allow EPA the opportunity to evaluate the intended activities and to protect against adverse exposures to MBK before they can occur.

Because EPA is concerned about potential exposure during the entire life cycle of MBK, EPA is proposing that § 721.5(a)(2) would be modified for this rule to require any manufacturer, importer, or processor who intends to distribute MBK in commerce to submit a notice.

VI. Data Submission

Although EPA has a considerable amount of test data on the potential adverse effects of MBK to human health,

EPA lacks data on the potential adverse effects of MBK to the environment. EPA recognizes that, under TSCA section 5, a person is not required to develop any particular test data before submitting a notice. Rather, persons are only required to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them. However, in view of the potential risks that may be posed by a significant new use of MBK, EPA encourages significant new use notice submitters to conduct tests that would permit a reasoned evaluation of the substance's toxic potential to the environment when utilized for an intended use.

Significant new use notices submitted with such test data would improve EPA's ability to make a reasoned evaluation of the environmental effects of MBK. Test data should be developed in accordance with TSCA Good Laboratory Practices Standards at 40 CFR Part 792, published in the *Federal Register* or November 29, 1983 (48 FR 53923).

In addition to environmental effects test data, EPA encourages significant new use notice submitters to develop and submit relevant exposure data on this substance. Notices submitted with such exposure data would improve EPA's ability to make an evaluation of the human exposure potential when MBK is utilized for an intended significant new use. EPA encourages persons to consult with the Agency before selecting a testing protocol.

Finally, EPA urges persons to submit information on potential benefits of this substance and information on risks posed by the substance compared to risks posed by potential substitutes.

VII. Alternatives

Before proposing this SNUR, EPA considered alternative regulatory actions.

1. One alternative would be to promulgate a section 8(a) reporting rule for this substance. Under such a rule, EPA could require any person to report to EPA before manufacturing, importing, or processing MBK. However, in this particular instance, the use of section 8(a) rather than SNUR authority has drawbacks. Small businesses would be exempt from reporting under section 8(a). Considering the toxicity of MBK, even relatively small manufacture, import, or processing activities could result in significant adverse exposures to this chemical. In addition, if EPA received a report under section 8(a) indicating that a person intended to manufacture, import, or process this substance, the Agency could not take

immediate action under section 5 (e) or (f) as it can under a SNUR, and therefore would not be able to act quickly to protect against an adverse exposure to this substance. Rather, in a situation such as this, EPA would have to consider regulating the substance under TSCA section 6 or requesting under section 9 that another agency regulate it, each of which would require a lengthy separate action before the exposure could be controlled.

2. The Agency also has the authority to regulate substances under section 6 of TSCA. However, the Agency may regulate under section 6 only if there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture "presents or will present" an unreasonable risk of injury to human health or the environment. There is insufficient information about prospective manufacturing, importing, processing, and use operations at this time to perform a reasoned evaluation of the health or environmental effects of these activities. Therefore, the Agency cannot state with certainty that these activities would present an unreasonable risk and cannot, at this time, regulate MBK under section 6.

VIII. Applicability of Proposal to Uses Occurring Before Promulgation of Final Rule

EPA finds that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the proposal date of the SNUR rather than after the promulgation of a final rule. If uses begun during the proposal period of the SNUR were not considered significant new uses, it would be extremely difficult for the Agency to establish significant new use notice requirements. Any person could defeat the SNUR by initiating the proposed significant new use before the rule becomes final.

EPA recognizes that this interpretation of section 5 may disrupt the commercial activities of persons who begin the manufacture, import, or processing of MBK for the proposed significant new uses during the proposal period. However, this proposal puts them on notice of the potential disruption, and they proceed at their own risk.

IX. Economic Analysis

The Agency has evaluated the potential costs of establishing reporting requirements for MBK. The only direct costs that will definitely occur as a result of the promulgation of this SNUR will be EPA's costs of issuing and

enforcing the SNUR. The estimated cost to the Agency for issuing the SNUR is \$10,500 to \$20,500. The Agency will also incur enforcement costs, but these costs cannot be quantified at this time.

After promulgation of the SNUR, the Agency believes there are two possible courses of action for a person who intends to manufacture, import, or process MBK for a significant new use: (1) File a significant new use notice with information describing the methods of controlling exposures that would mitigate health and environmental concerns; or, (2) not initiate the significant new use.

In some circumstances it may be cost-effective for a person to file a significant new use notice with data that show there exist means of controlling exposures (e.g., personal protective equipment or engineering controls) that would mitigate EPA's health concerns. In this case, the company incurs the costs of filing a SNUR notice (\$1,400 to \$8,000) and possibly the cost of utilizing exposure controls that, without the existence of the SNUR, would not have been used. These costs cannot be quantified at this time, since industrial processes and exposure controls vary among companies. The company may also incur up to a 3.2 percent reduction in profits due to delays in manufacture or processing and the cost of regulatory follow-up, if any.

If a person decided to submit a significant new use notice, EPA would incur estimated costs of \$7,100 to review the SNUR and \$8,700 to modify the SNUR assuming EPA's concerns were adequately addressed. Submission of documentation regarding a testing result or the use of exposure controls or protective equipment may be sufficient to address EPA's concerns. EPA would continue to incur enforcement costs in this situation.

A person may find the cost of controlling exposures too expensive to justify the manufacture, import, or processing of MBK for a significant new use. This outcome does not result in any direct costs, but the prospective manufacturer, importer, or processor may lose benefits that would have been derived from such manufacture, import, or processing of MBK. EPA cannot quantify these potential lost benefits because EPA cannot reasonably anticipate the future level of use of this chemical substance, the profit margins of these uses, and other related factors.

The Agency has not attempted to quantify the benefits of the proposed rule or of the outcomes. In general, benefits will accrue if the proposed action leads to the identification and

control of unreasonable risks before adverse effects can occur.

X. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS-50532). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. Economic analysis of the proposed significant new use rule for MBK.
2. A chemical hazard information profile for MBK.

The Agency will accept additional materials for inclusion in the record at any time between this proposal and designation of the complete record.

EPA will identify the complete rulemaking record by the date of promulgation. A public version of this record is available in the OTS Public Information Office, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Public Information Office is located in Rm. E-107, 401 M St., SW., Washington, D.C.

XI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "Major Rule" because it will not have an effect on the economy of \$100 million or more, and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the annual cost of this rule, EPA believes that the cost will be low. Even if EPA received 50 significant new use notices, the direct cost of the rule would be under one million dollars. In addition, because of the nature of the rule and the substance subject to it, EPA believes that there will be few significant new use notices submitted. Further, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation that has high potential value.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule, if promulgated, will not

have a significant impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this proposed rule are likely to be small businesses. However, because EPA has no evidence of recent commercial manufacture, import, processing, or use of MBK, EPA believes that few manufacturers, importers, or processors will submit significant new use notices. Therefore, although the costs of preparing a notice under this rule might be significant for some small businesses, the number of such businesses affected is not expected to be substantial.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in the proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned them the OMB control number 2070-0038. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked: Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Recordkeeping and reporting requirements, Significant new uses.

Dated: June 27, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for Part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding a new § 721.385 to read as follows:

§ 721.385 Methyl n-butyl ketone.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance methyl n-butyl ketone, CAS Number 591-78-6, is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new use is any use.

(b) *Special Provisions.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes the substance identified in paragraph (a)(1) of this section and intends to distribute the substance in commerce must submit a significant new use notice.

(2) [Reserved].

[FR Doc. 86-15169 Filed 7-3-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 721

[OPTS-50537; FRL-2945-8]

PBBs and TRIS; Proposed Determination of Significant New Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for eight polybrominated biphenyls (PBBs) and the substance tris (2,3-dibromopropyl) phosphate (Tris). The Agency believes that these substances may be hazardous to human health and the environment and that any use of these substances and related activities may result in significant human or environmental exposures. Once this rule is promulgated, persons who intend to manufacture, import, or process these substances for any use would be required to notify EPA at least 90 days before commencing such an activity. The required notice would furnish EPA with the opportunity to evaluate the intended use and, if necessary, prohibit or limit the use under section 5(e) or 5(f) before it occurs.

DATE: Written comments should be submitted on or before September 5, 1986.

ADDRESS: Comments should bear the docket control number OPTS-50537 and should be addressed to: TSCA Public Information Officer, (TS-793), Office of Toxic Substances, Environmental Protection Agency, Room E-108, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-543, 401 M Street SW., Washington, D.C. 20460. Tool free: (800-424-9065). In Washington, DC: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a significant new use. EPA must make this determination by rule, after a consideration of all relevant factors, including those listed in section 5(a)(2). Once EPA determines a use to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use.

The notice is subject generally to the same statutory requirements and EPA regulatory procedures as a premanufacture notice (PMN) submitted under section 5F(a)(1)(A) of TSCA. In particular, these include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h) (1), (2), (3), (5), and (6), and the regulations at 40 CFR Part 720. Once EPA receives a SNUR notice EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities on which it has received a SNUR notice. If EPA does not take action, section 5(g) requires the Agency to explain in the *Federal Register* its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR Part 707. Persons who intend to import a substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. The EPA policy in support of the import certification requirements appears at 40 CFR Part 707.

II. Applicability of General Provisions

In the *Federal Register* of September 5, 1984 (49 FR 35011), EPA promulgated general regulatory provisions applicable to SNURs (40 CFR Part 721, Subpart A). The general provisions are discussed there in detail, and interested persons should refer to that document for further information. These general provisions would apply to this SNUR except as discussed in this preamble and proposed §§ 721.230 and 721.1021.

III. Summary of This Proposed Rule

The chemical substances which are the subject of this proposed SNUR are eight substances known as polybrominated biphenyls, and tris (2,3-dibromopropyl) phosphate. The PBBs, without regard to impurities, consist of biphenyl molecules having the

molecular formula $C_{12}H_xBr_y$, where $x + y = 10$ and y ranges from 1 to 10. This SNUR would apply to the following substances listed on the TSCA Inventory of chemical substances:

CAS No.	Name
92-66-0	1,1'-Biphenyl, 4-bromo-(4-Bromobiphenyl). ¹
92-86-4	1,1'-Biphenyl, 4,4'-dibromo-(4,4'-Dibromobiphenyl). ¹
2052-07-5	1,1'-Biphenyl, 2-bromo-(2-Bromobiphenyl). ¹
2113-57-7	1,1'-Biphenyl, 3-bromo-(3-Bromobiphenyl). ¹
13654-09-8	1,1'-Biphenyl, 2,2', 3,3', 4,4', 5,5', 6,6'-deca-bromo-(Decabromobiphenyl). ¹
27753-52-2	Nonabromobiphenyl (unspecified location of bromines).
27858-07-7	Octabromobiphenyl (AR,AR,AR,AR,AR,AR,AR,AR).
36355-01-8	Hexabromobiphenyl (unspecified location of bromines).
126-72-7	tris (2,3-dibromopropyl) phosphate (Tris). ¹

¹ Common name.

EPA is proposing to designate any use of these PBBs and Tris as a significant new use of these substances. Therefore, this proposed rule would require persons intending to manufacture, import, or process these substances to notify EPA 90 days before they manufacture, import, or process the PBBs for Tris for this significant new use (i.e., for any use). The manufacture or import of PBBs not listed on the Inventory requires submission of a premanufacture notice under section 5(a)(1) of TSCA. Accordingly, they would not be covered by this SNUR.

IV. Background

A. Regulatory History

In a notice published in the *Federal Register* of October 13, 1977 (42 FR 55134), EPA announced its intent to investigate the need to control PBBs and Tris under TSCA. Subsequently, the Agency decided to issue a reporting rule under section 8(a) of TSCA for PBBs and Tris.

The final section 8(a) rule requiring submission of Notice of Manufacture or Importation of PBBs and Tris was published in the *Federal Register* of October 24, 1980 (45 FR 70728). That final rule, in accordance with EPA's policy in implementing Executive Order 12044, contained a Sunset provision to terminate the reporting requirements of the rule on May 1, 1985. Executive Order 12044 has since been revoked by Executive Order 12291. Since the Sunset provision terminated the reporting requirements of the section 8(a) rule, EPA reassessed the toxicity of these substances, past and current exposures to these substances, and the need for a further information gathering rule. Though Tris is listed as a "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act, presently, neither

PBBs nor Tris are subject to a Federal regulation that would provide EPA with notice of resumed use of these substances and would allow EPA to control adverse exposure to them before it could occur.

B. Production and End Use Data

EPA has concluded that neither the designated PBBs nor Tris have been manufactured in, imported into, or processed in the U.S. for commercial purposes since at least 1980 based on the lack of reports filed in response to the section 8(d) rule.

PBBs has been used as flame retardants in plastic for electrical equipment housings and a variety of other plastic products.

Tris was used as a flame retardant in sleepwear, carpets, rugs, mattresses, and mattress pads.

Effective substitutes have been found for all major end uses of both PBBs and Tris; at present it appears unlikely that these uses and related manufacture, import, or processing of these substances will be resumed.

C. Human Health and Environmental Effects

EPA prepared a hazard assessment of PBBs in 1979 which indicated that they are teratogenic, embryotoxic, and immunosuppressive in mice and rats, and carcinogenic in rats. There is clear evidence from National Cancer Institute (NCI) bioassays that a mixture of polybrominated biphenyls caused hepatocellular carcinoma in mice of both sexes, and hepatocellular carcinoma and cholangiocarcinoma in rats of both sexes. The dose response was significant at a level of $p < 0.01$.

In 1980, EPA published the results of a comprehensive medical evaluation on 42 workers employed in a plant which produced PBBs. Ninety-six workers from a neighboring industry not involving PBBs were used as a control. The data showed that the PBB serum level was significantly higher and that there was an unexpectedly higher prevalence of primary hypothyroidism among the PBB workers.

PBBs are persistent, accumulate in the environment, and should show similar toxicity to Polychlorinated Biphenyls. During manufacture or processing they could be emitted to the air as particulate matter and dispersed in waste waters, ultimately binding to sediment and soil. Data on the environmental hazard of PBBs can be found in EPA's publications entitled, "Status Assessment of Toxic Chemicals: Polybrominated Biphenyls, IERL, EPA 1979," and "Assessment of the Hazards of Polybrominated Biphenyls, OTS, EPA, 1978."

In a NCI bioassay, Tris was shown to cause significant increases in kidney-cell adenomas in rats of both sexes, but especially in males, at both 50 and 100 ppm levels in the animals' food. Significant increases in malignant neoplasms in both lung and forestomach were found in male mice. In female mice, increase malignant neoplasms of the liver and stomach were also reported. Tris was evaluated by the EPA Carcinogen Assessment Group and sufficient evidence was found to indicate that it is a carcinogen. Under the EPA proposed guidelines for carcinogen risk assessment, Tris would be classified as B2—probable human carcinogen. It is also mutagenic in bacteria, causes testicular atrophy and damage to the liver and kidneys in rabbits, and has the potential to cause heritable genetic changes. Tris has been shown to have potential to be acutely and chronically toxic to aquatic organisms. Fabric treated with Tris killed goldfish within 24 hrs in the water in which the fabric was immersed. The mode of action is found to be inhibition of cholinesterase or mixed-function oxidase or both. Further, the compound is expected to be more toxic to early life stages of fish than juveniles and adults. Tris has been shown to be 6 times more acutely toxic to rainbow trout sac fry than trout fingerlings. Finally, the compound is expected to bioaccumulate, although to a lesser degree when compared with PBBs; ultimate biodegradation is also slow.

D. Past and Current Exposures

Workers were exposed to PBBs and Tris in air as vapor or dust during manufacture and processing, and consumers have used products containing these substances. Since neither the designated PBBs nor Tris are now being manufactured, imported, processed, or used for commercial purposes, there is currently no exposure to these substances.

V. Designation of Significant New Uses

To determine what would constitute a significant new use of these chemical substances, EPA considered relevant information on the toxicity of the substances and likely exposure and releases associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. Based on these considerations, EPA is designating the significant new use of these PBBs and Tris as any use of these substances.

As explained in Unit IV of this preamble, both PBBs and Tris are carcinogenic; are not currently manufactured, imported, processed, or used for commercial purposes; and are

not subject to any Federal regulation that would notify EPA of potentially adverse exposures to these chemical substances or provide EPA with a regulatory mechanism that could protect human health or the environment from an adverse exposure before it occurred.

EPA believes that resumption of any use of the designated PBBs or Tris and the related manufacturing, importing, or processing has the potential to substantially increase human and environmental exposures to these substances. Each of these activities has a high potential to increase the magnitude and duration of exposure above, and to change the type or form of exposure from, that which currently exists. Given the toxicity of these chemical substances, the reasonably anticipated circumstances of exposure, and the lack of available regulatory controls, individuals who would be involved in any use and the related manufacture, import, or processing of the PBBs or Tris may be exposed to these substances at levels which may result in adverse effects. Furthermore, such uses, and related activities, may result in the environmental release of these substances, thereby creating additional opportunities for adverse effects on human health and the environment.

The consideration of these factors has resulted in EPA's decision to propose that any use of the designated PBBs or Tris be designated a significant new use of these chemical substances. Thus, persons intending to manufacture, import, or process the PBBs or Tris for any use would be required to notify EPA at least 90 days before they begin such manufacture, import, or processing. Advance notification of such activities will allow EPA the opportunity to evaluate the intended use and to protect against adverse exposures to the PBBs or Tris before they occur.

Consistent with EPA's concern about any exposure to the designated PBBs and Tris resulting from any use, including exposure resulting from manufacture, import, or processing related to any use of the PBBs or Tris, paragraph (b)(1) of each proposed section provides that any person who intends to manufacture, import, or process any of the PBBs or Tris and intends to distribute the substance in commerce must submit a significant new use notice so that EPA can review all activities before they occur.

VI. Alternatives

Before proposing this SNUR EPA considered other regulatory options under TSCA.

One alternative would be to promulgate a section 8(a) reporting rule for these substances. Under such a rule, EPA could require any person to report to EPA before manufacturing, importing, or processing the PBBs and Tris. However, in the case of these particular chemical substances, the use of section 8(a) rather than SNUR authority would have two drawbacks. Small businesses would be exempt from submitting a section 8(a) report, and if EPA received a section 8(a) report indicating that a person intended to manufacture, import, or process the PBBs or Tris, the Agency could not take immediate regulatory action under section 5(e) or 5(f) as it can under a SNUR. Instead, EPA would have to consider regulating the substances under TSCA section 6 or requesting under section 9 that another agency regulate it, each of which would require a separate rulemaking action before exposure could be controlled. Therefore, in this case, section 8(a) would not provide EPA with complete reporting nor allow EPA to act quickly to protect against a potentially adverse exposure to these substances.

Although a section 8(a) rule was previously in place for PBBs and Tris, EPA has decided to propose a SNUR. The additional health effects information resulting from studies done since promulgation of the section 8(a) rule have increased the Agency's need to review potential exposures to these substances before they occur and to act quickly to prevent any adverse exposures. Only a SNUR can satisfy these needs.

VII. Applicability of Proposal To Uses Occurring Before Promulgation of Final Rule

EPA believes that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the proposal date of the SNUR rather than as of the promulgation of a final rule. If uses begun during the proposal period of the SNUR were considered ongoing uses, any person could defeat the SNUR by initiating a proposed significant new use before the rule became final. This would make it extremely difficult for the Agency to establish SNUR notice requirements.

EPA recognizes that the Agency's interpretation of section 5 may disrupt the commercial activities of persons who begin the manufacture, import, or processing of these PBBs or Tris for any use during the proposal period. However, this proposal puts them on notice of the potential disruption, and they proceed at their own risk.

VIII. Test Data and Other Information

EPA recognizes that, under section 5 of TSCA, persons are not required to develop any particular test data before submitting a significant new use notice. Rather, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them.

However, in view of the potential health and/or environmental risks that may be posed by a significant new use of these PBBs or Tris, EPA encourages SNUR notice submitters to conduct studies on chronic health effects, reproduction, bioaccumulation, and degradation, as well as any other tests that would permit a reasoned evaluation of each substance's potential for adverse effects to human health and the environment when utilized for an intended use. EPA also encourages significant new use notice submitters to develop and submit relevant exposure and release information on these substances.

EPA urges persons to consult with the Agency before selecting a protocol for testing a substance. Test data should be developed in accordance with the TSCA Good Laboratory Practice Standards at 40 CFR Part 792. Failure to do so may lead the Agency to find such data to be insufficient to reasonably evaluate the health and environmental effects of the substance.

As an alternative to testing, potential notice submitters may wish to consider the use of engineering controls and/or personal protective equipment to reduce exposure to and release of a substance. In addition, EPA urges persons to submit information on potential benefits of the substance and on risks posed by the substance compared to risks posed by potential substitutes. SNUR notices submitted with such data would improve EPA's ability to make a reasoned evaluation of the human health and environmental effects of the PBBs and Tris and the potential for human and environmental exposure to these substances.

IX. Economic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for these PBBs and Tris. The economic analysis is summarized below. The complete economic analysis is available in the rulemaking record.

Cost to the industry as a result of this SNUR could occur in one of two ways. Direct costs would be incurred by firms that intend to manufacture, import, or process the listed PBBs or Tris for any

use. These costs are the costs of submitting a SNUR notice to the Agency, which are estimated to be \$1,400 to \$8,000 per notice, as well as related costs due to possible delays in intended use, costing up to an estimated 3.2 percent of profits. Additional costs associated with regulatory follow-up could also be incurred by a submitter, but these costs are too uncertain to estimate.

The direct costs to industry are the result of a firm's decision to manufacture, import, or process the listed PBBs or Tris for any use, because of the cost of submitting a SNUR notice and the potential costs of regulatory follow-up.

The indirect cost of such an outcome would be the difference in the future stream of profits foregone by a company due to the SNUR and the stream of profits obtained by investing the same resources in the next best alternative investment. Because adequate substitutes for the former uses of PBBs and Tris appear to have been adopted, EPA expects the likelihood of a company's intending to engage in any use of these chemical substances to be small; thus, the Agency expects the overall economic impact of this rule to be small.

X. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS-50537). This record is available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in Room E-107, 401 M Street N.W., Washington, DC 20460. The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received.

The record now includes the following:

1. This proposed rule.
2. The economic support documents for this proposed rule.
3. Alvarez, G.H. Page, S.W., Ku, Y. Biodegradation of 14C-tris (2,3-dibromopropyl) Phosphate in a Laboratory Activated Sludge System. Bulletin of Environmental Contamination and Toxicology 28:85-90. 1982.
4. Bahn, A.K., Bialik, O., Oler, J., Houten, L., Landau, E., Health Assessment of Occupational Exposure to Polybrominated Biphenyl (PBB) and Polybrominated Biphenyl oxide (PBBO). Environmental Protection Agency, 1980.
5. Eldefrawi, A.T., Mansour, N.A., Brattsten, L.B., Ahrens, V.D., and Lisk, D.J. Further Toxicologic Studies with Commercial and Candidate Flame Retardant Chemicals. Part II. Bulletin of Environmental

Contamination and Toxicology. 17:720-726. 1977.

6. Gutenmann, W.H., Lisk, D.J. Flame Retardant Release From Fabrics During Laundering and Their Toxicity to Fish. Bulletin of Environmental Contamination and Toxicology. 14:61-64. 1975.

7. Lynn, R.K., Garvie-Gould, C., Wong, K., Kennish, J.M. Metabolism, Distribution and Excretion of the Flame Retardant Tris (2,3-dibromopropyl) Phosphate (Tris-BP) in the Rat: Identification of Mutagenic and Nephrotoxic Metabolites, Toxicology and Applied Pharmacology 63. 1982.

8. Maylin, G.A., Henion, J.D., Hicks, L.J., Leibovitz, L., Ahren, V.D., Gilbert, M., Lisk, D.J. Toxicity of Fish of Flame Retardant Fabrics Immersed in Their Water. Part I. Bulletin of Environmental Contamination and Toxicology. 17:499-504. 1977.

9. NCI National Cancer Institute. Bioassay of Tris(2,3-dibromopropyl) phosphate. Technical Report Series No. 76. Washington, DC: Department of Health, Education, and Welfare. 1978.

10. NTP. National Toxicology Program. Polybrominated biphenyl mixture. Bioassay Report Summary NTP-TR-244. Washington, DC: Department of Health and Human Services. 1978.

11. Sittichakaseem, S. Some Toxicological Effects of Phosphate Esters on Rainbow Trout and Bluegill. Ph.D. Dissertation, Iowa State University, Ames, Iowa. Available from Dissertation Abstracts, Ann Arbor, MI, Abstract No. 7813246. 1978.

12. U.S. Consumer Product Safety Commission. Current Evaluation of the Hazards and Risk to Children from Tris-Treated Pajamas, Consumer Product Safety Commission, Health Sciences Staff. 1981.

13. U.S. Consumer Product Safety Commission. Memorandum. 1981.

14. United States Environmental Protection Agency. Assessment of The Hazards of Polybrominated Biphenyls. Washington, DC: Office of Toxic Substances. 1978.

15. United States Environmental Protection Agency. Status Assessment of Toxic Chemicals; Polybrominated Biphenyls. Cincinnati, OH: Industrial Environmental Research Lab, Office of Research and Development. 1979.

EPA will identify the complete rulemaking record on or before the date of promulgation of the regulation, as prescribed by section 19(a)(3) of TSCA, and will accept additional materials for inclusion in the record at any time between this notice and publication of the final rule.

XI. Regulatory Assessment Requirements

A. Executive Order 12291.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "Major" rule because it will not have an effect on the economy of \$100 million or more, and it will not have a

significant effect on competition, costs, or prices. EPA estimates industry's cost for filing a SNUR notice to be \$1,400 to \$8,000. Further, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation that has high potential value.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule, if promulgated, will not have a significant impact on a substantial number of small businesses. The Agency has not determined whether parties affected by this proposed rule are likely to be small businesses. However, EPA believes that few, if any, firms will forego the manufacture, import, or processing of these chemicals or will submit SNUR notices. Therefore, although the costs of preparing a notice under this rule might be significant for some small businesses, the number of such businesses affected is not expected to be substantial.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in the proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2070-0038. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, REcordkeeping and reporting requirements, Significant new uses.

Dated: June 27, 1986.

John A. Moore.

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for Part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding new § 721.230 to read as follows:

§ 721.230 Polybrominated biphenyls.

(a) *Chemical substances and significant new use subject to reporting.*

(1) The chemical substances 1,1'-Biphenyl, 4-bromo-(CAS No. 92-66-0); 1,1'-Biphenyl, 4,4'-dibromo-(CAS No. 92-86-4); 1,1'-Biphenyl, 2-bromo-, (CAS No. 2052-07-5); 1,1'-Biphenyl, 3-bromo-, (CAS No. 2113-57-7); 1,1'-Biphenyl, 2,2', 3,3', 4,4', 5,5', 6,6'-decabromo-(CAS No. 13654-09-6); Nonabromobiphenyl (CAS No. 27753-53-2); Octabromobiphenyl (CAS No. 27858-07-7); and Hexabromobiphenyl (CAS No. 36355-01-8) are subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is: Any use.

(b) *Special provisions.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes the substance identified in paragraph (a)(1) of this section and intends to distribute the substance in commerce must submit a significant new use notice

(2) [Reserved].

(Approved by the Office of Management and Budget under control number 2070-0038)

3. By adding new § 721.1021 to read as follows:

§ 721.1021 Tris (2,3-dibromopropyl) phosphate.

(a) *Chemical substance and significant new use subject to reporting.*

(1) The chemical substance tris (2,3-dibromopropyl) phosphate (CAS Number 126-72-7) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is: Any use.

(b) *Special provisions.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes the substance identified in paragraph (a)(1) of this section and intends to distribute the substance in commerce must submit a significant new use notice.

(2) [Reserved].

(Approved by the Office of Management and Budget under control number 2070-0038)

[FR Doc. 86-15170 Filed 7-3-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 246

[Docket No. 50710-5110]

Marking Containers of Fish and Wildlife

AGENCIES. Fish and Wildlife Service, Interior; National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: The Service and NOAA propose rules to implement section 7(a)(2) of the Lacey Act Amendments of 1981, 95 Stat. 1078, 16 U.S.C. 3376(a)(2). The proposed rules establish requirements for marking containers of fish or wildlife which are imported, exported, or shipped in interstate commerce. These requirements are designed to be consistent with the existing commercial practices of those industries which must comply with them.

DATES: Comments must be submitted on or before September 5, 1986.

ADDRESSES: Comments may be mailed to Director (LE), Fish and Wildlife Service, P.O. Box 28006, Washington, DC 20005, or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street NW., Washington, DC, between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 14-02-9. All materials received may be inspected weekdays during normal business hours at the office of the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kathleen King, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, DC 20005, telephone: (202) 343-9242; Margaret H. Frailey, NOAA Office of General Counsel (GCEL), Suite 600, 1825 Connecticut Avenue NW., Washington, DC 20235, telephone: (202) 673-5220.

SUPPLEMENTARY INFORMATION:

Background

These proposed regulations implement section 7(a)(2) of the Lacey Act Amendments of 1981, 95 Stat. 1078, 16 U.S.C. 3376(a)(2). They would supersede the container marking regulations now found at 50 CFR 14.81-14.83. Under 16 U.S.C. 3372(b), it is unlawful to import, export, or transport in interstate commerce, containers of fish or wildlife unless the containers have been marked in accordance with regulations promulgated jointly by the Secretaries of the Interior and Commerce.

The marking requirements are intended to aid enforcement of the Lacey Act and other fish and wildlife statutes by readily identifying wildlife shipments to enforcement agents of the Fish and Wildlife Service, National Marine Fisheries Service, and Customs Service. A violation of the regulations carries a maximum civil penalty of \$250 [see 16 U.S.C. 3373(a)(2)]. The fish or wildlife involved in a marking violation are not subject to seizure and forfeiture.

Section 3376 requires that the regulations implemented by the Secretaries be consistent with existing commercial practices. This requirement reflects Congressional concern that the requirements be no more burdensome than is appropriate to accomplish their enforcement purposes.

The two agencies have examined commercial practices in the industries subject to the Lacey Act, and have consulted with industry representatives. The proposed regulations were drafted to reflect both the prevailing industry practice and the agencies' basic enforcement needs. The regulations are divided into three parts: the basic marking requirement in § 14.81 [NOAA § 246.1]; alternative means of satisfying the marking requirement in § 14.82(a) [NOAA § 246.2(a)]; and shipments that are exempt from the marking requirements in § 14.82(b) [NOAA § 246.2(b)].

Basic Marking Requirement

Section 14.81 sets forth the basic information that is necessary to comply with the marking requirement. Except for the specific exemptions set forth in paragraph 14.82(b), the marking regulations apply to all imports, exports, and interstate shipments of fish and wildlife. The phrase "fish and wildlife" as defined in both the Lacey Act and 50 CFR 10.12 encompass shellfish as well as other types of fish. Each container or package containing fish or wildlife must be marked with (1) the name and address of the shipper and consignee;

and (2) the contents of the container by species and number of each species.

Alternatives

Section 14.82(a) contains two alternative methods of satisfying the marking requirements set forth in § 14.81. Both alternatives are intended to reflect current industry practice.

The first alternative [paragraph (a)(1)] has two requirements: first, that each container be marked as appropriate with the word "fish," "wildlife," or the common name of the species; and, second, that the shipment be accompanied by an invoice, bill of lading, or similar document. Although the invoice need not be attached to the outside of the container, it must physically accompany the shipment and be readily accessible for inspection by an enforcement agent.

The invoice (or similar document) must contain the following information: (1) The name and address of the shipper and consignee; (2) the total number of containers (packages) in the shipment; (3) the common name of each species in the shipment; and (4) the number or weight (or other appropriate measure) of each species in the shipment. The agencies have examined numerous invoices and bills of lading in use by the relevant industries. While there is some variation in the information contained in those documents, the information required by the regulations is generally consistent with that currently in use.

By allowing the invoice to state the common name of each species in the shipment, it is intended that the most specific name ordinarily applied to that species be used. For instance, it would not be sufficient to refer simply to "tuna" or "deer" since there exist more specific terms for the various tuna or deer species such as "bluefin tuna" or "whitetail deer." The agencies recognize that there may be local variation in the common name applied to a particular species. These local variations are acceptable if they describe a particular species. The use of species-specific common names is necessary for effective enforcement since fish and wildlife are generally regulated by species. The enforcement agent must have a means of identifying particular shipments which may warrant inspection.

The requirements to state the quantity of each species in the shipment provides a means for the agent to cross-check the shipment with the invoice or bill of lading. Because industry practices vary as to how quantity is measured, the requirement is flexible. That is, the shipping document may express any

appropriate measure of quantity (gross weight, net weight, number) so long as the type of measure used is specified in the document.

The second alternative means of complying with the marking requirement [paragraph (a)(2)] allows the shipper to affix the shipper's current wildlife import/export license number to the outside of each container. The wildlife import/export license referred to is that issued by the Service to wildlife importers and exporters under 50 CFR Part 14. Anyone using this alternative must maintain for three years a copy of a shipping document which complies with the information requirements in paragraph (a)(1)(ii).

Paragraph (a)(3) of § 14.82 is intended to clarify what is meant by the term "container." This is particularly of interest to the commercial seafood industry, since seafood is shipped in a variety of ways. It should be noted that if boxes, cans, or other containers are shipped within a larger container, only the outer box need be marked—as long as the smaller packages remain within the marked container. It is a common practice in the commercial seafood industry to ship fresh fish loosely within a truck, or other vehicle, or in frozen blocks atop a wooden pallet. As long as the shipping document (bill of lading, invoice) required by paragraph (a)(1)(ii) accompanies the shipment, no other marking on the conveyance (truck, boat, plane, etc.) will be required.

Exceptions

Paragraph (b) of § 14.82 states the three exceptions to the marking requirements. First, paragraph (b)(1) excepts certain listed animals which are bred and born in captivity (including fox, rabbits and mink). Such shipments must be accompanied by certification that the animals were bred and born in captivity.

Second, paragraph (b)(2) exempts fish and shellfish in retail consumer packages. Thus, for example, canned fish is exempt from the marking requirements as long as the cans are labeled for consumer sale (as is required by the Food, Drug and Cosmetic Act).

Finally, paragraph (b)(3) excepts fish that are being offloaded from a fishing vessel. This paragraph was added as a point of clarification. The agencies do not intend that a fisherman landing his catch be subject to the marking regulations. The exception applies even where the fishing vessel either travels from the high seas into territorial waters or traverses the waters of two States.

Paperwork Reduction Act

The recordkeeping requirements contained in § 14.82(a)(2) are approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018-0022. The retention of this information is presently required under 50 CFR 14.93 and is necessary to ensure compliance with the import/export license program.

Primary Authors

The primary authors of this proposed rule are Kathleen King, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, DC, and Patricia Kraniotis, NOAA Office of General Counsel, Washington, DC.

Determination of Effects of Rules

The Department of the Interior and the Department of Commerce have independently determined that this is not a major rule under Executive Order 12291 and have certified that the rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The estimated effects of the proposed marking regulations are all beneficial because these regulations: (1) Must take into account the existing commercial practices of those entities or industries covered by the regulations; (2) will not apply to fish and shellfish contained in retail consumer packages; and (3) where appropriate, will only require the shipper to provide commercial bills of lading containing the common name of the species in the shipment together with the bulk weight of the shipment. These limitations on the scope of the regulations insure that no unnecessary burdens are placed on any entity or industry subject to the regulations, including the commercial seafood industry, which objected to the previous marking requirements.

These determinations are discussed in greater detail in separate documents prepared by the respective agencies. A copy of these documents may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

National Environmental Policy Act

This joint rulemaking by the Departments of Commerce and the Interior is a law enforcement activity and has been categorically excluded from National Environmental Policy Act (NEPA) requirements by the Department of Commerce. Regulations of the Department of the Interior also provide for categorical exclusion of law enforcement activities and for activities

excluded by other federal agencies, 516 DM 6 Appendix I c(6) and c(7). A copy of the concurrence of the Division of Environmental Coordination, FWS, in the categorical exclusion of this rulemaking from NEPA requirements is on file in the Service's Division of Law Enforcement, 1375 K Street NW., Suite 300, Washington, DC 20005, and may be examined during regular business hours. Single copies are also available upon request by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." NOAA has determined that the proposed rule is categorically excluded from NEPA by NOAA Directive 02-10. Comments on the categorical exclusion should be mailed or delivered to the address given at the beginning of this proposal during the comment period on the proposed rule.

Public Comments Requested

The policy of the Departments of the Interior and Commerce is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule to the location identified in the ADDRESS section of this preamble during the comment period.

List of Subjects in 50 CFR Parts 14 and 246

Exports, Fish, Imports, Labeling, Reporting requirements, Transportation, Wildlife.

Proposed Regulation—Department of the Interior

For the reasons set out in the preamble, Subchapter B, Chapter I of Title 50, Code of Federal Regulations is proposed to be amended as follows:

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

1. The authority citation for Part 14 is revised to read as follows:

Authority: 18 U.S.C. 42; secs. 5 and 6 Pub. L. 97-79; 95 Stat. 1077 and 1078 (16 U.S.C. 3375 and 3376); secs. 9(d)–(f), and 11(f), Pub. L. 93-205, 87 Stat. 894, 895, and 900 (16 U.S.C. 1538(d)–(f), 1540(f)); sec. 112, Pub. L. 92-522, 86 Stat. 1042 (16 U.S.C. 1382); sec. 3, Pub. L. 65-186, 40 Stat. 755 (16 U.S.C. 703); sec. 3(h)(3), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712); Pub. L. 97-1581, 96 Stat. 1051 (31 U.S.C. 9701).

2. Amend the Table of Contents for Part 14 by removing the entry "Symbol marking permit" after § 14.83 and replacing it with the entry "[Reserved]."

3. Amend Part 14 by revising Subpart H to read as follows:

Subpart H—Marking of Containers or Packages

* * * * *

Sec.

14.81 Marking requirement.

14.82 Alternatives and exceptions to the marking requirement.

14.83 [Reserved].

* * * * *

Subpart H—Marking of Containers or Packages

§ 14.81 Marking requirement.

Except as otherwise provided in this subpart, no person may import, export, or transport in interstate commerce any container or package containing any fish or wildlife (including shellfish) unless each container or package is conspicuously marked on the outside with both the name and address of the shipper and consignee and an accurate list of its contents by species and number of each species.

§ 14.82 Alternatives and exceptions to the marking requirement.

(a) The requirements of § 14.81 may be met by complying with one of the following alternatives to the marking requirement:

(1)(i) Conspicuously marking the outside of each container or package containing fish or wildlife with the word "fish" or "wildlife" as appropriate for its contents, or with the common name of its contents by species, and

(ii) Including an invoice, packing list, bill of lading, or similar document to accompany the shipment which accurately states the name and address of the shipper and consignee, states the total number of packages or containers in the shipment, and for each species in the shipment, specifies: (A) The common name that identifies the species [examples include: chinook (or king) salmon; bluefin tuna; and whitetail deer]; and (B) the number of that species (or other appropriate measure of quantity such as gross or net weight). The invoice, packing list, bill of lading, or equivalent document must be securely attached to the outside of one container or package in the shipment or otherwise physically accompany the shipment in a manner which makes it readily accessible for inspection; or

(2) Affixing the shipper's wildlife import/export license number of the outside of each container or package containing fish or wildlife if the shipper has a valid wildlife import/export license issued under authority of 50 CFR Part 14. For each shipment marked in accordance with this paragraph, records

maintained under § 14.93(d) must include a copy of the invoice, packing list, bill of lading, or other similar document which accurately states the information required by paragraph (a)(1)(ii) of this section.

(3) In the case of subcontainers or packages within a larger packing container, only the outermost container must be marked in accordance with this section.

(4) A conveyance (truck, plane, boat, etc.) is not considered a container, for purposes of requiring specific marking of the conveyance itself if the fish or wildlife are carried loosely within a conveyance, and if the document required by paragraph (a)(1)(ii) of this section accompanies the shipment.

(b) The requirements of § 14.81 do not apply to containers or packages containing—

(1) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul that have been bred and born in captivity, or their products, if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Fish or shellfish contained in retail consumer packages labeled in accordance with the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq.; or

(3) Fish or shellfish that are landed by, and offloaded from, a fishing vessel (whether or not the catch has been carried by the fishing vessel interstate), as long as the fish or shellfish remain at the place where first offloaded.

§ 14.83 [Reserved]

Dated: June 9, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulation—Department of Commerce

PART 246—[AMENDED]

For the reasons set out in the preamble, Subchapter E, Chapter II of Title 50, Code of Federal Regulations is proposed to be amended as follows:

1. Revise the title of Subchapter E to read as follows:

Subchapter E—Transportation of Fish or Wildlife

2. Add new Part 246 to read as follows:

PART 246—MARKING OF CONTAINERS OR PACKAGES

Sec.

246.1 Marking requirement.

246.2 Alternatives and exceptions to the marking requirement.

246.3 [Reserved].

Authority: 16 U.S.C. 3371–3378.

§ 246.1 Marking requirement.

Except as otherwise provided in this Part, no person may import, export, or transport in interstate commerce any container or package containing any fish or wildlife (including shellfish) unless each container or package is conspicuously marked on the outside with both the name and address of the shipper and consignee and an accurate list of its contents by species and number of each species.

§ 246.2 Alternatives and exceptions to the marking requirement.

(a) The requirements of § 246.1 may be met by complying with one of the following alternatives to the marking requirement:

(1)(i) Conspicuously marking the outside of each container or package containing fish or wildlife with the word "fish" or "wildlife" as appropriate for its contents, or with the common name of its contents by species, and

(ii) Including an invoice, packing list, bill of lading, or similar document to accompany the shipment which accurately states the name and address of the shipper and consignee, states the total number of packages or containers in the shipment, and for each species in the shipment specifies: (A) The common name that identifies the species [examples include: chinook (or king) salmon; bluefin tuna; and whitetail deer]; and (B) the number of that species (or other appropriate measure of quantity such as gross or net weight). The invoice, packing list, bill of lading, or equivalent document must be securely attached to the outside of one container or package in the shipment or otherwise physically accompany the shipment in a manner which makes it readily accessible for inspection; or

(2) Affixing the shipper's wildlife import/export license number to the outside of each container or package containing fish or wildlife if the shipper has a valid wildlife import/export license issued under authority of 50 CFR Part 14. For each shipment marked in accordance with this paragraph, the records maintained under § 14.93(d) must include a copy of the invoice, packing list, bill of lading, or other similar document which accurately states the information required by paragraph a(1)(ii) of this section.

(3) In the case of subcontainers or packages within a larger packing container, only the outermost container must be marked in accordance with this section.

(4) a conveyance (truck, plane, boat, etc.) is not considered a container for purposes of requiring specific marking of the conveyance itself if the fish or wildlife are carried loosely within a conveyance, and if the document required by paragraph (a)(1)(ii) of this section accompanies the shipment.

(b) The requirements of § 246.1 do not apply to containers or packages containing—

(1) Fox, nutria, rabbit, mink,

chinchilla, marten, fisher, muskrat, and karakul that have been bred and born in captivity, or their products, if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Fish or shellfish contained in retail consumer packages labeled in accordance with the Food, Drug and Cosmetic Act, 21 U.S.C. 301 *et seq.*; or

(3) Fish or shellfish that are landed by, and offloaded from, a fishing vessel

(whether or not the catch has been carried by the fishing vessel interstate), as long as the fish or shellfish remain at the place where first offloaded.

§ 246.3 [Reserved]

Dated: July 1, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 86-15177 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 51, No. 129

Monday, July 7, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COMMITTEE ON FEDERAL PAY

Meeting

The Advisory Committee on Federal pay announces that public discussions of the adjustment in Federal white-collar employee pay for October 1986 have been scheduled for Monday, August 25, in Suite 600, 1730 K Street, N.W. They will start at 2:00 p.m.

These discussions are intended to give organizations representing Federal employees or any interested government officials an opportunity to express their views regarding the Pay Agent's proposals. Those wishing to discuss the Agent's proposals with the Committee should notify the Committee by August 20. The telephone number is 653-6193. Written comments should also reach the Committee by August 20—Suite 205, 1730 K Street, N.W., Washington, DC 20006. Both written submissions and requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay, established as an independent agency by section 5306 of Title 5, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act), is charged with assisting the President in carrying out the policies of section 5301 of Title 5, United States Code. The Committee's fundamental obligation is to present the President with an independent recommendation on Federal pay for the 1.4 million white-collar workers and other employees whose pay is linked to the General Schedule. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President on the annual adjustment in Federal pay, after considering the

written views of employee organizations, the President's Agent, other officials of the Government of the United States, and such experts as the Committee may consult.

Lucretia Dewey Tanner,

Executive Director.

[FR Doc. 86-14876 Filed 7-3-86; 8:45 am]

BILLING CODE 6620-43-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: July 23, 1986.

Place: U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 3501 South Building, Washington, DC 20250.

Time: 8:30 a.m.

Purpose: To provide service to the Administrator of the Federal Grain Inspection Service on the efficient and economical implementation of the U.S. Grain Standards Act of 1976, order to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) Wheat classification and other grain standards matters, (2) insect related issues, (3) financial matters, and (4) miscellaneous subjects.

The meeting will be open to the public. Public participation will be limited to written statements unless otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting or submit written statements before or at the meeting should contact Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 382-0219.

Dated: June 30, 1986.

Kenneth A. Gilles,
Administrator.

[FR Doc. 86-15199 Filed 7-3-86; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-601]

Preliminary Determination of Sales at Less than Fair Value; Certain Stainless Steel Cooking Ware From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain stainless steel cooking ware from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value. We also preliminarily determine that critical circumstances do not exist with respect to imports of this merchandise from Korea. We have notified the U.S. International Trade Commission (ITC) of our determinations. We have directed the U.S. Customs Service to suspend liquidation of all entries of certain stainless steel cooking ware from Korea that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by September 15, 1986.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Rick Herring or David Levine, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-0187 or 377-8498.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain stainless steel cooking ware from Korea are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the

Act) [19 USC 1673b(b)]. We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, which extends from August 1, 1985, through January 31, 1986. The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice. We also preliminarily determine that critical circumstances do not exist with respect to imports of this merchandise from Korea.

Case History

On January 21, 1986, we received a petition filed in proper form by the Fair Trade Committee of the Cookware Manufacturers Association on behalf of the U.S. industry which manufactures stainless steel cooking ware. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of certain stainless steel cooking ware from Korea are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry. We determine that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on February 10, 1986 (51 F.R. 6018), and notified the ITC of our action. On March 7, 1986, the ITC determined that there is reasonable indication that imports of certain stainless steel cooking ware from Korea materially injure, or threaten material injury to, a U.S. industry (51 F.R. 9541).

On March 21, 1986, we presented antidumping duty questionnaires to Bum Koo Industrial Co., Ltd. (Bum Koo), Dae Sung Industrial Co., Ltd. (Dae Sung), Hai Dong Stainless Industries Co. (Hai Dong), Kyung Dong Industrial Co., Ltd. (Kyung Dong), and Namil Metal Co., Ltd. (Namil). These companies accounted for at least 60 percent of exports of the subject merchandise from Korea to the United States during the review period. Respondents were requested to answer the questionnaire within 30 days. On April 16, 1986, counsel for respondents requested extensions for submission of questionnaire responses. We granted this request on April 17, 1986. On April 29 and May 12, 1986, we received responses to our questionnaires.

Dae Sung, Hai Dong, Kyung Dong, and Namil submitted supplemental computer tape responses on June 10, 16, 17, and 18, 1986, too late to be considered for our preliminary determination. If we are able to verify the information contained in the supplemental responses, we will

use it for purposes of our final determination.

On May 23, 1986, petitioner alleged that critical circumstances exist with respect to imports from Korea of the products under investigation.

On March 5, 1986, we received from petitioner an allegation that a Korean trading company, Sammi Corporation (Sammi), sold the subject merchandise in the United States during the review period at prices below its cost of acquisition plus selling expenses (i.e., "middleman dumping"). We requested that counsel for petitioner submit information reasonably available to him providing evidence of middleman dumping, so that we could determine whether an investigation was warranted. Since trading companies typically operate at small mark-ups, and presumably do not take losses, we require some cogent evidence that the trading company is in fact dumping before initiating an investigation with respect to the trading company. Petitioner cited an ongoing predatory pricing lawsuit against Sammi's U.S. subsidiary, Ken Carter Industries, Inc., and submitted several public documents obtained from that lawsuit, including allegations that Ken Carter sustained significant losses on its U.S. sales of stainless steel kitchenware (which include a large number of products not subject to our investigation). None of the documents submitted contained any pricing or cost data for Ken Carter or Sammi. After Examining these documents, we determine that, without more direct evidence, these documents do not provide a sufficient basis upon which to initiate an investigation of the alleged middleman dumping by Sammi.

On May 30, 1986, petitioner alleged that home market and third country sales of the subject merchandise were made by respondents at below their cost of production. On June 23, 1986, we sent respondents supplemental questionnaires requesting that they submit certain cost of production information. Because of the later filing of this allegation, we did not analyze cost of production data for purposes of this preliminary determination. We will address this issue fully in our final determination.

Scope of Investigation

The products covered by this investigation are non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States* (TSUS). The products covered by this investigation are skillets, frying pans,

omelette pans, saucepans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which are included under the 653.94 TSUS item number.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price to the foreign market value. For purposes of this preliminary determination, we used purchase price, exporter's sales price, home market and third country sales prices, and constructed values provided in the responses.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price, where the merchandise was sold to unrelated purchasers prior to importation into the United States. We calculated the purchase price based on the packed f.o.b., c.i.f., or c. & f. price to unrelated purchasers in the United States or to unrelated trading companies for sales to the United States, as appropriate. We made deductions, where appropriate, for inland freight, ocean freight, marine insurance, brokerage and handling charges, and other direct selling expenses. For those sales made out of inventory by Kyung Dong's related importer in the United States, we used exporter's sales price to represent the United States price, as provided in section 772(c) of the Act, because the merchandise was sold to an unrelated purchaser after importation into the United States. For those sales we made additional deductions, where appropriate, for U.S. brokerage expenses, U.S. customs duties, U.S. inland freight and insurance, U.S. wharfage charges, sales commissions, credit expenses, advertising costs and other selling expenses incurred in the United States.

We made additions to purchase price and exporter's sales price for import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act. Because Bum Koo made an improperly calculated claim for a duty drawback adjustment, we disallowed it for purposes of this preliminary determination.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on home market sales, third country sales and, where appropriate, on constructed values. In accordance with section 773(a)(1)(A) of the Act, we calculated foreign market value for Bum Koo and Kyung Dong based on home market prices of such or similar merchandise sold by these companies in Korea. Since the remaining companies had no viable home market, in accordance with section 773(a)(1)(B) of the Act and § 353.5 of our regulations, we calculated foreign market value for Hai Dong entirely, and for Dae Sung and Namil partly, based on third country sales of such or similar products. In the case of Hai Dong, no single third country met the criteria of § 353.5(d) of our regulations and still provided an adequate number of such or similar sales. Thus, we aggregated sales to a number of third countries to calculate foreign market value. In the case of Namil, we first used the third country with the largest value of sales for our price-to-price comparisons. Because the number of matching products sold to that country did not provide an adequate number of such or similar sales, we also used sales to a number of other countries to calculate foreign market value. In the case of Dae Sung, we used the third country with the largest value of such or similar sales for our price-to-price comparisons.

For Bum Koo and Kyung Dong, we based on calculations of foreign market value on ex-factory or delivered, packed prices to unrelated purchasers in the home market. We made adjustments for differences in credit and advertising expenses, where appropriate. We subtracted home market packing and added U.S. packing to all home market prices. We made deductions, where appropriate, for inland freight. For some home market sales used for comparison to purchase price, sales commissions were paid in one market and not the other. Pursuant to § 353.15(c) of our regulations, we made adjustments for differences between commissions paid in one market and indirect selling expenses, used as an offset to the commissions, in the other market. We also made an adjustment for the differences in commissions paid in the two markets, where appropriate, in accordance with § 353.15(b) of our regulations. Where we used exporter's sales price, we used home market indirect selling expenses to offset U.S. selling expenses.

As stated previously, for Hai Dong entirely, and for Dae Sung and Namil

partly, we based our calculations of foreign market value on the packed, f.o.b., c.i.f., or c. & f. price to unrelated purchasers in third countries. We made deductions, where appropriate, for inland freight, ocean freight, marine insurance, brokerage and handling charges, and other direct selling expenses. We subtracted third country packing and added U.S. packing. We also made an addition to third country prices for import duties which were rebated by reason of exportation of the merchandise to third countries. Where appropriate, we made adjustments for credit expenses. In the case of some third country sales used for comparison to purchase price sales, commissions were paid in one market and not the other. Pursuant to § 353.15(c) of our regulations, we made adjustments for differences between commissions paid in one market and indirect expenses, used as an offset to the commissions, in the other market. We also made an adjustment for the differences in commissions paid in both markets, where appropriate.

Where there was no identical product in either the home market or the third country market with which to compare a product sold in the United States, we made an adjustment to account for differences in the physical characteristics of the merchandise, where possible, in accordance with section 773(4)(C) of the Act.

In accordance with section 773(a)(2) of the Act, we supplemented third country sales prices with constructed values for Dae Sung and Namil when there were no sales of such or similar merchandise in a third country. Constructed values were based on the responses, using actual material and fabrication costs. Actual general expenses were used for both companies since they were higher than the statutory minimum of ten percent. We used the statutory minimum of eight percent of the total of materials, fabrication and general expenses for profit. We then added in U.S. packing costs. Based on the information available to us, we were unable to make circumstance-of-sale adjustments to constructed values for purposes of this preliminary determination. We intend to make these adjustments for our final determination.

We disallowed Kyung Dong's claimed circumstance-of-sale adjustment for bad debts incurred on certain home market sales.

Currency Conversions

In calculating foreign market value, we made currency conversions from Korean won to U.S. dollars in

accordance with § 353.56(a)(1) of our regulations, using certified daily exchange rates as furnished by the Federal Reserve Bank of New York. For exporter's sales price comparisons, we used the official exchange rate on the date of sale, since using the exchange rate as of the date of the sale is consistent with section 615 of the Trade and Tariff Act of 1984 (the 1984 Act). We followed section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, because the later law supersedes that section of the regulations.

Critical Circumstances

Petitioner alleged that imports of the subject merchandise from Korea present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances exist if we determine that:

(A) (i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

Pursuant to section 733(e)(1)(B), we generally consider the following data in order to determine whether massive imports have taken place: (1) The volume and value of the imports; (2) seasonal trends; and (3) the share of domestic consumption accounted for by the imports. Based on our analysis of recent import statistics, we find that there is no reasonable basis to believe imports of the subject merchandise from Korea have been massive over a short period. Accordingly, we do not have to consider whether section 733(e)(1)(A) of the Act applies in this case. Therefore, we preliminarily determine that critical circumstances do not exist with respect to imports of certain stainless steel cooking ware from Korea. We have notified the ITC of this determination.

Verification

We will verify the data used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of the companies.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain stainless steel cooking ware from Korea that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Burn Koo Industrial Co., Ltd.	24.79
Dae Sung Industrial Co., Ltd.	5.88
Hai Dong Stainless Industries Co.	26.58
Kyung Dong Industrial Co., Ltd.	9.38
Namit Metal Co., Ltd.	6.41
All Other Manufacturers/Producers/Exporters	12.72

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on August 19, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of publication of this notice. Requests should contain: (1) The party's

name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by August 12, 1986. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 353.46, written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within ten days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act [19 USC 1673b(f)].

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

June 30, 1986.

[FR Doc. 86-15217 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-583-603]

Preliminary Determination of Sales at Less Than Fair Value; Certain Stainless Steel Cooking Ware From Taiwan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain stainless steel cooking ware from Taiwan are being, or are likely to be, sold in the United States at less than fair value. We also preliminarily determine that critical circumstances do not exist with respect to imports of this merchandise from Taiwan. We have notified the U.S. International Trade Commission (ITC) of our determinations. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain stainless steel cooking ware from Taiwan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by September 15, 1986.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Jack Davies or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW.,

Washington, DC 20230; telephone (202) 377-1785 or 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain stainless steel cooking ware from Taiwan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 773(b) of the Tariff Act of 1930, as amended (the Act) (19 USC 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, August 1, 1985 through January 31, 1986. The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice. We also preliminarily determine that critical circumstances do not exist with respect to imports of this merchandise from Taiwan.

Case History

On January 21, 1986, we received a petition filed in proper form by the Fair Trade Committee of the Cookware Manufacturers Association on behalf of the U.S. industry which manufactures stainless steel cooking ware. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of certain stainless steel cooking ware from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on February 10, 1986 (51 FR 6019), and notified the ITC of our action. On March 7, 1986, the ITC determined that there is a reasonable indication that imports of certain stainless steel cooking ware from Taiwan materially injure, or threaten material injury to, a U.S. industry (51 FR 9541).

On March 25, 1986, we presented antidumping duty questionnaires to Golden Lion Metal Industry Co., Ltd. (Golden Lion); Song Far Industry Co., Ltd. (Song Far); and Lyi Mean Industrial Co., Ltd. (Lyi Mean). According to information submitted by the authorities in Taiwan, these companies account for at least 60 percent of exports of the subject merchandise to the United States. Respondents were requested to answer the questionnaire in 30 days.

For Golden Lion, we received responses on April 28 and May 9 and

computer tapes on May 20. For Song Far, we received responses on April 29 and May 9, 15, and 16, and received computer tapes on May 23. On May 23, we requested additional information from these two companies. We received supplemental responses from Golden Lion on June 6, 20, 23, and 26, and from Song Far on June 6 and 20.

We granted Lyi Mean an extension until May 30 for submission of its response. We granted an additional extension until June 3, and a subsequent extension until June 16. We received partial responses from Lyi Mean on June 16 and June 17. Additional responses were received on June 23. A computer tape was not provided with these submissions as requested in our questionnaire.

On May 23, and June 4, 1986, petitioner alleged that critical circumstances exist with regard to imports from Taiwan of the products under investigation.

On June 13, 1986, petitioner alleged that home market and/or third country sales of the products under investigation were made by Golden Lion and Song Far at prices below their cost of production. On June 23, petitioner further alleged that third country sales of the subject merchandise were made by Lyi Mean at prices below the cost of production. These allegations were received too late to be considered in our preliminary determination. We are currently evaluating these allegations and will investigate respondents' costs, if we determine that these allegations are sufficient.

Scope of Investigation

The products covered by this investigation are non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States* (TSUS). The products covered by this investigation are skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which are included under the 653.94 TSUS item number.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price to

the foreign market value. For purposes of this preliminary determination, we used purchase price, home market and third country sales prices, and constructed values provided in the responses by Song Far and Golden Lion. Because Lyi Mean did not provide a complete response in sufficient time to be used in the preliminary determination, we used, as best information available, pursuant to section 776(b) of the Act, certain U.S. sales data in Lyi Mean's response and constructed value information supplied by petitioner.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price, since the merchandise was sold to unrelated purchasers prior to importation into the United States. We calculated the purchase price based on the packed f.o.b. or f.o.r. (free on rail) price to unrelated purchasers in the United States or to unrelated trading companies for sales to the United States, as appropriate.

We made deductions for inland freight, brokerage, and cash discounts, where appropriate. We made additions to purchase price, where appropriate, for import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on home market prices, third country prices, where appropriate, constructed values.

In accordance with section 773(a)(1) of the act, we calculate foreign market values for Song Far based on home market prices for such or similar products sold in Taiwan. We used packed prices to unrelated purchasers in the home market and deducted inland freight and cash discounts, where appropriate. We made adjustments for differences in credit expenses, where appropriate. Where there was no identical product in the home market with which to compare a product sold in the United States, we made an adjustment to account for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act. We subtracted home market packing and added U.S. packing to home market prices. We made no adjustments for commissions in the home market because no U.S. selling expenses were reported. We disallowed

a claim by Song Far to deduct several indirect taxes from the home market price.

In accordance with section 773(a)(2) of the Act, we also used constructed values for Song Far where there were no home market sales by Song Far of such or similar merchandise. We calculated constructed values based on the information provided in the response. Submitted costs for materials, labor, and overhead were adjusted for depreciation and the box color used in packing. Based on relative costs in Song Far's financial statements, we adjusted depreciation costs contained in the constructed value portion of the response. The box color component of packing was reclassified to indirect materials because it was considered part of the product. Based on information in Song Far's financial statements, we adjusted the selling, general, and administrative expenses reported in the constructed value portion of the response.

Since no profit was reported, we used the statutory minimum of eight percent of the total of materials, fabrication, and general expenses. We then added U.S. export packing. Based on the information available, we were unable to make circumstances-of-sale adjustments to constructed value for purposes of this preliminary determination. We intend to make these adjustments for our final determination.

Since Golden Lion did not have a viable home market, in accordance with section 773(a)(1)(B) of the Act and section 353.5 of our regulations, we calculated Golden Lion's foreign market value based on its sales to Canada, which was the third country that had the largest sales volume and the greatest degree of product similarity to the merchandise sold to the United States. We used the packed f.o.r. prices to unrelated purchasers in Canada. Where appropriate, we made deductions for inland freight and cash discounts, and made adjustments for credit expenses. We made adjustments, where appropriate, for commissions in the U.S. market. Where there was no identical merchandise sold in Canada, we made an adjustment to account for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act. We also added duty drawback to the third country sales price. We subtracted third country packing and added U.S. packing to third country sales price. We disallowed a claim by Golden Lion to deduct several indirect taxes from the third country price.

For Lyi Mean, we used, as best information available in accordance with section 776(b) of the Act, constructed values submitted by petitioner, as foreign market value.

Currency Conversion

In calculating foreign market value, we made currency conversions from New Taiwan dollars to U.S. dollars in accordance with § 353.56(a) of our regulations, using the certified daily exchange rates furnished by the Federal Reserve Bank of New York.

Critical Circumstances

Petitioner alleged that imports of the subject merchandise from Taiwan present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances exist if we determine that:

(A) (i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

Petitioner did not allege "a history of dumping" but relied solely on the alternative test of "importers' knowledge" according to section 733(e)(1)(A) of the Act. Therefore, we must determine whether the person by whom, or for whose account, the merchandise was imported "knew or should have known" that the exporter was selling the merchandise at less than its fair value. It is the Department's position that this test is met where dumping margins are sufficiently large that the importer knew or should have known of sales at less than fair value. We cannot presume such knowledge based on the size of the margins we have found in this preliminary determination. Accordingly, we do not have to consider whether section 733(e)(1)(B) of the Act applies to this case. Therefore, we preliminarily determine that critical circumstances do not exist with respect to imports of certain stainless steel cooking ware from Korea. We have notified the ITC of this determination.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of

relevant sales and financial records of the companies.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain stainless steel cooking ware from Taiwan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the *Federal Register*. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Golden Lion Metal Industry Co., Ltd.	0.75
Song Far Industry Co., Ltd.	1.01
Lyi Mean Industrial Co., Ltd.	20.13
All Other Manufacturers/Producers/Exporters	4.06

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m., on August 22, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by August 15, 1986. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 353.46, written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 USC 1673b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

June 30, 1986.

[FR Doc. 86-15218 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-122-602]

Postponement of Preliminary Countervailing Duty Determination and Amendment to Notice of Initiation: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (the Department) is postponing its preliminary determination in the countervailing duty investigation of certain softwood lumber products from Canada. The statutory deadline for issuing this preliminary determination is no later than October 16, 1986. In addition, the Department is amending its notice of initiation in this investigation include in the "Scope of Investigation" item 202.54 of the *Tariff Schedules of the United States* (TSUS).

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230 telephone (202) 377-2438 or 377-0161.

SUPPLEMENTARY INFORMATION: On June 5, 1986, the Department initiated a countervailing duty investigation on certain softwood lumber products from Canada. The notice stated that we would issue our preliminary

determination on or before August 12, 1986 (51 FR 21205).

This investigation includes a large number of producers, covers a broad range of alleged subsidy practices which are complex in nature, and raises issues regarding the evolution of the countervailing duty law. We have determined that the government of Canada and the other parties concerned are cooperating and that additional time is necessary to make the preliminary countervailing duty determination.

For these reasons, we determine that this investigation is extraordinarily complicated in accordance with section 703(c)(1)(B)(i) of the act, and that additional time is necessary to make this preliminary determination in accordance with section 703(c)(1)(B)(ii) of the Act. The Statutory deadline for issuing this preliminary determination is no later than October 16, 1986.

In addition, based upon information received from the International Trade Commission (ITC), we are amending the "Scope of Investigation" in this case to include item 202.54 of the TSUS.

This notice is published pursuant to section 703(c)(2) of the Act.

Gilbert B. Kaplan

Deputy Assistant Secretary for Import Administration.

June 30, 1986.

[FR Doc. 86-15220 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DS-M

[Docket Numbers 1624-01, 1624-02, 1624-03]

Export Privileges; Michael M. Winkler, Syscom U.S.A., Inc., Syscom Winkler, GmbH

On May 29, 1986, the Administrative Law Judge issued his Decision and Order in the matter of Michael M. Winkler, Syscom U.S.A., Inc. and Syscom Winkler, GmbH which was referred to me pursuant to section 13(c) of the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420 (1982), as amended by the Export Administration Act Amendments of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985) and 15 CFR 388.8(a) for final action.

Between October 13, 1976 and January 1, 1979, Winkler and Syscom U.S.A., Inc. exported from the United States to the Federal Republic of Germany (FRG) and Austria 43 shipments of U.S.-origin electronic and computer related equipment without validated export licenses in violation of §§ 387.4 and 387.6 of the Export Administration Regulations. Winkler and Syscom, GmbH violated §§ 387.4 and 387.6 by reexporting two of these shipments from

the FRG to Austria. Winkler and Syscom, U.S.A., Inc. violated § 387.3 of the Regulations by attempting to export U.S.-origin computer equipment from the U.S. to the FRG without the required validated export license. Winkler misrepresented and concealed facts in the Shipper's Export Declaration for said shipment. Winkler and Syscom U.S.A., Inc. violated § 387.12 of the Regulations by failing to disclose complete facts and to obtain specific authorization when including Otto Poeschl as a party in interest in four transactions. Poeschl has been a denied party since June 1963. The Administrative Law Judge issued an order denying export privileges to respondents for twenty years.

Having affirmed the record and based on the facts addressed in this case, I affirm the Order of the Administrative Law Judge. This constitutes final agency action in this matter.

Respondents addresses are as follows:

Michael M. Winkler, President, Syscom U.S.A., Inc., 3409 Rose Avenue, Ocean Industrial Park, Ocean, New Jersey 07712

Syscom Winkler, GmbH, Trubner Strasse 40, 6900 Heidelberg, Federal Republic of Germany
Syscom U.S.A., Inc., 3409 Rose Avenue, Ocean Industrial Park, Ocean, New Jersey 07712.

Dated: June 30, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-15166 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DT-M

[Docket No. 4649-03]

Export Privileges; Donald Malsom

On May 29, 1986, the Administrative Law Judge issued his Decision and Order in the matter of Donald Malsom, which was referred to me pursuant to section 13(c) of the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420 (1982), as amended by the Export Administration Act Amendments of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985) and 15 CFR 388.8(a) for final action.

Pursuant to the charging letter of December 2, 1985, Donald Malsom was charged with violating §§ 387.5 and 387.6 of the Export Administration Regulations in that Malsom exported U.S. origin commodities, helicopters, from the United States to Libya without having obtained the required validated export licenses. He also falsified and concealed a material fact on an export control document.

A consent agreement was entered into by the parties involved which provided that Donald Malsom is to be denied export privileges for a period of 20 years.

Pursuant to said consent agreement, Donald Malsom of 1622A Vermont Drive, Elk Grove Village, IL. is hereby denied all export privileges for a period of 20 years.

Having reviewed the record and based on the facts addressed in this case, I affirm the Order of the Administrative Law Judge. This constitutes final agency action in this matter.

Dated: June 30, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-15165 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DT-M

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Publication of quarterly update of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: July 1, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Bernard T. Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or

indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which subsidies were identified in our April 1, 1986 quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: June 30, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

less stringent. On this basis it is possible that a petitioning firm could be certified eligible to apply for adjustment assistance, assuming the other qualifying criteria are met, even though the industry received a negative determination on a Section 201 investigation by the Commission.

The program of adjustment assistance for firms authorized by the Trade Act under Title II, Chapter 3, and administered by the International Trade Administration (ITA) in the Department of Commerce, expired on December 18, 1985. The Consolidated Omnibus Budget Reconciliation Act of 1985 extends the program authorization until September 30, 1991, but only technical assistance is available for trade-impacted firms (financial assistance is no longer available). Technical assistance may be used for management and operational assistance, and for feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Under the Public Works and Economic Development Act of 1965 (PWEDA), as amended, direct and indirect assistance to firms is available without Trade Act certification through the Economic Development Administration (EDA) of the Department of Commerce. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit directly from business development loans and guarantees. It may also be possible for firms to benefit indirectly from public works financing. PWEDA authorizes technical assistance to firms regardless of location, and grants loanable funds to communities with actual or threatened unemployment.

The Farmers Home Administration (FmHA) of the Department of Agriculture has a program which may benefit firms in the industry. Loan guarantees are available to businesses located in areas other than cities with a population over 50,000. FmHA can also make loans to public bodies, such as local governments and development organizations, in areas other than cities of over 20,000 population.

The Small Business Administration (SBA) administers three programs of potential assistance to small businesses. These programs offer basic domestic business loans to companies, loans for local development companies, and management assistance programs for businesses. It is necessary for a firm to qualify as a "small business" under the SBA definition in order to benefit under these programs.

APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

(Cents per pound)

Country	Program(s)	Gross subsidy ¹	Net subsidy ²
Belgium	European Community (EC) Restitution Payments	0.0	0.0
Canada	Export Assistance on Certain Types of Cheese	25.1	25.1
Denmark	EC Restitution Payments	.0	.0
Finland	Export Subsidy	48.1	48.1
	Indirect Subsidies	17.7	17.7
		65.8	65.8
France	EC Restitution Payments	.0	.0
Ireland	EC Restitution Payments	.0	.0
Italy	EC Restitution Payments	12.4	12.4
Luxembourg	EC Restitution Payments	.0	.0
Netherlands	EC Restitution Payments	.0	.0
Norway	Indirect (Milk) Subsidy	16.8	16.8
	Consumer Subsidy	37.1	37.1
		53.9	53.9
Switzerland	Deficiency Payments	74.8	74.8
U.K.	EC Restitution Payments	.0	.0
W. Germany	EC Restitution Payments	.0	.0

¹ Defined in 19 U.S.C. 1677(5).

² Defined in 19 U.S.C. 1677(6).

[FR Doc. 86-15219 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DS-M

Electric Shaver Industry Prospects for Adjustment Assistance for Firms

The Department of Commerce, pursuant to section 264 of the Trade Act of 1974, has conducted a study of the one remaining firm in the electric shaver industry; such a study is required whenever the U.S. International Trade Commission (USITC) begins an investigation under section 201 of the Trade Act.

In its report issued March 25, 1986, the Commission determined by a 6-0 vote that electric shavers and parts thereof were not being imported into the United States in such increased quantities as to threaten serious injury to the domestic industry producing like or directly competitive articles.

Under section 251 of the 1974 Trade Act, a firm may petition the Department of Commerce to be certified as eligible to apply for trade adjustment assistance; certification requires that increased imports of articles like or directly competitive with those produced by the petitioning firm contributed importantly to: (1) Absolute declines in sales or production, or both, and (2) the separation, or threat of separation, of a significant number or proportion of its workers. A trade-impacted producer may petition the Department for certification at any time regardless of a prospective Commission finding or its results.

As of the date of this report, no petition for certification has been filed by the only remaining domestic electric shaver producer. Although the USITC found no serious injury to the industry, the criterion upon which a firm's petition is judged for certification is somewhat

Additional copies of the report, "Prospects for Adjustment Assistance for Firms in the Electric Shaver Industry" are available from John M. Harris, Office of Consumer Goods, Room 4312, U.S. Department of Commerce, Washington, DC 20230, telephone 202-377-1178.

Robert E. Watkins,

Deputy Assistant Secretary for Automotive Affairs and Consumer Goods.

[FR Doc. 86-15180 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DR-M

President's Export Council Foreign Trade Practices and Negotiations Subcommittee; Change in Meeting Schedule

On June 24, 1986, a notice dated June 20, 1986, was published in the *Federal Register* (51 FR 22960), announcing a meeting of the President's Export Council Subcommittee on Foreign Trade Practices and Negotiations on July 8, 1986, from 1:00 p.m. to 4:00 p.m. in Room 4830 of the Department of Commerce, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC.

The purpose of this notice is to announce that the meeting will be partially closed. The General Session will be held from 1:00 p.m. to 3:00 p.m. The Executive Session will be held from 3:00 p.m. to 4:00 p.m. for discussion of matters properly classified under Executive Order 12356, dealing with trade negotiations with Japan, unfair trade practices, and other classified issues.

A Notice of Determination to close meetings or portions of meetings of the Council to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce (202) 377-4217.

For further information or copies of the minutes, contact Sylvia Lino (202) 377-1125, Room 3215, U.S. Department of Commerce, Washington, DC 20230.

Dated: June 30, 1986.

Henry P. Misisco,

Director, Office of Planning and Coordination.

[FR Doc. 86-15187 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-DR-M

National Technical Information Service

Intent To Grant Exclusive Patent License; Wisconsin Alumni Research Foundation

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to The Wisconsin Alumni Research Foundation, having a place of business in Madison, Wisconsin an exclusive right in the United States to manufacture, use, and sell products embodied in the invention entitled "Cholesterol Lowering Composition and Method of Use," U.S. Patent Application Serial Number 616,478. The patent rights in this invention are co-owned by the United States of America, as represented by the Secretary of Agriculture, and the Wisconsin Alumni Research Foundation.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to Douglas J. Campion, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 86-15141 Filed 7-3-86; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Activities for Conversion to Contract

ACTION: Notice.

The Air Force recently determined that the Duplicating and the Linen Exchange functions at Hickam AFB, HI will be examined for conversion to contract.

For further information contact Lt Dan Jensen, HQ PACAF/XPMRO, Hickam AFB, HI, telephone (808) 449-9955.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-15142 Filed 7-3-86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Notice of Availability of the Draft Programmatic Environmental Impact Statement for the Destruction of the Unitary Chemical Stockpile in the Continental United States

AGENCY: Department of the Army, Defense.

ACTION: Notice of availability of the draft programmatic environmental impact statement covering the destruction of the unitary chemical stockpile stored within the continental United States.

1. The Army published a Notice of Intent on January 28, 1986 (51 FR 3492) that provided notice that pursuant to the National Environmental Policy Act (NEPA) and implementing regulations, it was preparing a Draft Programmatic Environmental Impact Statement (DPEIS) to analyze disposal alternatives for the chemical stockpile. Four alternatives were to be assessed:

- a. On-site disposal at each of the eight existing storage installations.
- b. Transportation of the stocks to a national disposal center for destruction.
- c. Transportation of the stocks to regional disposal centers for destruction.
- d. Continued storage of the stocks at their current locations, or the "no action" alternative.

2. The DPEIS is now available for comment. Copies can be obtained by writing the Program Manager for Chemical Demilitarization, ATTN: AMCPM-CD-TC, Aberdeen Proving Ground, MD 21010-5401. Comments and questions regarding the environmental document should also be addressed to the Program Manager. These comments must be received by September 23, 1986 for consideration in preparation of the Final Programmatic Environmental Impact Statement. During this public comment period, public hearings will be scheduled as required.

3. The Environmental Protection Agency (EPA) will also publish a Notice of Availability for this Draft

Programmatic Environmental Impact
Statement in the Federal Register.

Lewis D. Walker,

Deputy for Environment, Safety and
Occupational Health, OASA (I&L)

[FR Doc. 86-15179 Filed 7-3-86; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers

Intent To Prepare Draft Environmental
Impact Statement; Vermilion Bay et al.

AGENCY: U.S. Army Engineer District,
New Orleans, DOD.

ACTION: Notice of intent to prepare a
draft environmental impact statement
(DEIS).

SUMMARY: To prepare a Draft
Environmental Impact Statement (DEIS)
for extension of section 404 and section
10 permits to dredge shells in Vermilion
Bay, West and East Cote Blanche Bays,
Atchafalaya Bay, Four League Bay, and
a narrow margin along the shore of the
Gulf of Mexico.

1. Proposed Action

The DEIS will assess the impacts of
dredging shells from the Gulf Coast
Area (GCA), including Vermilion Bay,
West and East Cote Blanche Bays,
Atchafalaya Bay, Four League Bay, and
a narrow margin along the shore of the
Gulf of Mexico. The shells are used in
the manufacture of cement, glass,
chemicals, pharmaceuticals, wallboard,
chicken and cattle feed, and agricultural
lime. The shells are also used for road
construction and in water purification
systems. Shells have been dredged from
the GCA for many years. The first shell
dredging in the GCA started about 1914
near the mouth of the Atchafalaya
River, with the annual volumes removed
reaching a maximum of 5,100,000 cubic
yards in the mid-1960's. The most recent
permit extension to operate shell
dredges in the GCA was obtained in
1982.

2. Alternatives

The following tentative alternative
plans have been identified and will be
considered in detail during preparation
of the DEIS. Additional alternatives may
be identified during the scoping process.

a. *No action (Permit denial)*. This
alternative assumes termination of all
dredging at expiration of the current
permits.

b. *Renew permits with existing
conditions*. This alternative would allow
continuation of dredging activities as
they currently operate. All existing
constraints would remain in place and
no additional measures would be

initiated to minimize environmental
effects.

c. *Renew permits with modified
conditions*. This alternative would allow
for reduction or addition of restrictions
on the areas available for dredging and
the methods by which the shells are
removed.

d. *Permit dredging activities in the
gulf only*. This alternative would allow
for the dredging of shells within a
predefined zone outside the boundaries
of the bays of the GCA.

3. Scoping Process

a. Throughout the preparation of the
DEIS, close coordination will be
maintained with Federal, state, and
local agencies, as well as other
interested parties. Numerous formal and
informal meetings will be held to obtain
information related to the DEIS and to
insure that affected interests are
informed concerning the progress of the
study.

b. Significant issues to be addressed
in the DEIS will include the impacts of
the proposed activity on biological,
cultural, historical, social, economic,
water quality, and human resources.
Specific issues will be identified during
the scoping process.

c. No formal assignments have as yet
been planned for input into the DEIS by
Federal or state agencies. Nonetheless,
communication with these agencies will
be maintained throughout the EIS
process.

4. Scoping Meetings

A Scoping Meeting Announcement
was distributed on May 27, 1986
notifying interested parties of two
scoping meetings to be held at 7:00 p.m.
on June 24, 1986 at the Julia B. Maitland
School in Morgan City, Louisiana, and at
7:00 p.m. on June 26, 1986 at the U.S.
Army Corps of Engineers Building in
New Orleans, Louisiana. Comments
received at the meetings will be
compiled and analyzed. A scoping
document summarizing the results will
be made available to all meeting
participants. In addition, written scoping
comments on the proposed activity may
be provided through July 11, 1986.

5. Availability

The DEIS is currently scheduled to be
available for public review in April 1987.

ADDRESS: Questions concerning the
proposed action and DEIS may be
directed to Mr. Dennis L. Chew, U.S.
Army Corps of Engineers,
Environmental Quality Section (Attn:
LMNPD-RE), P.O. Box 60267, New
Orleans, Louisiana 70160-0267,
telephone (504) 862-2523.

Dated: June 20, 1986.

Eugene S. Witherspoon,
Colonel, Corps of Engineers, District
Engineer.

[FR Doc. 86-15144 Filed 7-3-86; 8:45 am]

BILLING CODE 3710-84-M

Intent to Prepare Draft Environmental
Impact Statement; Lake Maurepas,
LA et al.

AGENCY: U.S. Army Engineer District,
New Orleans, DOD.

ACTION: Notice of intent to prepare a
draft environmental impact statement
(DEIS).

SUMMARY: To prepare a Draft
Environmental Impact Statement (DEIS)
for extension of section 404 and section
10 permits to dredge clam shells in
Lakes Maurepas and Pontchartrain.

1. Proposed Action

The DEIS will assess the impacts of
dredging clam shells (*Rangia*) from the
Lakes Area (LA)—Lakes Maurepas and
Pontchartrain. The clam shells are used
in the manufacture of cement, glass,
chemicals, pharmaceuticals, wallboard,
chicken and cattle feed, and agricultural
lime. The shells are also used for road
construction, water purification systems,
and oyster cultch material. Clam shells
have been dredged from these lakes for
many years. The first shell dredging
permits and leases in the LA were
granted by the Louisiana Department of
Wildlife and Fisheries in 1933 and 1934.
At the current time, three companies
operate within the LA. The most recent
section 404 and section 10 permit
extensions to operate shell dredges in
the LA were obtained in 1982.

2. Alternatives

The following tentative alternative
plans have been identified and will be
considered in detail during preparation
of the DEIS. Additional alternatives may
be identified during the scoping process.

a. *No action (Permit denial)*.—This
alternative assumes termination of all
dredging at expiration of the current
permits.

b. *Renew permits with existing
conditions*.—This alternative would
allow continuation of dredging activities
as they currently operate. All existing
constraints would remain in place and
no additional measures would be
initiated to minimize environmental
effects.

c. *Renew permits with modified
conditions*.—This alternative would
allow for reduction or addition of
restrictions on the areas available for

dredging and the methods by which the shells are removed.

3. Scoping Process

a. Throughout the preparation of the DEIS, close coordination will be maintained with Federal, state, and local agencies, as well as other interested parties. Numerous formal and informal meetings will be held to obtain information related to the DEIS and to insure that affected interests are informed concerning the progress of the study.

b. Significant issues to be addressed in the DEIS will include the impacts of the proposed activity on biological, cultural, historical, social, economic, water quality, and human resources. Specific issues will be identified during the scoping process.

c. No formal assignments have as yet been planned for input into the DEIS by Federal or state agencies. Nonetheless, communication with these agencies will be maintained throughout the EIS process.

4. Scoping Meetings

A Scoping Meeting Announcement was distributed on May 27, 1986 notifying interested parties of two scoping meetings to be held at 7:00 p.m. on June 24, 1986 at the Julia B. Maitland School in Morgan City, Louisiana, and at 7:00 p.m. on June 26, 1986 at the U.S. Army Corps of Engineers Building in New Orleans, Louisiana. Comments received at the meetings will be compiled and analyzed. A scoping document summarizing the results will be made available to all meeting participants. In addition, written scoping comments on the proposed activity may be provided through July 11, 1986.

5. Availability

The DEIS is currently scheduled to be available to the public in April 1987.

ADDRESS: Questions concerning the proposed action and DEIS may be directed to Mr. Dennis L. Chew, U.S. Army Corps of Engineers, Environmental Quality Section (Attn: LMNPD-RE), P.O. Box 60267, New Orleans, Louisiana 70160-0267, telephone (504) 882-2523.

Dated: June 20, 1986.

Eugene S. Witherspoon,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 86-15143 Filed 7-3-86; 8:45 am]

BILLING CODE 3710-84-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate Restriction of Eligibility for Grant Award

AGENCY: Department of Energy (DOE).

ACTION: Notice of award.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b), it intends to make a grant renewal award on a restricted eligibility basis to the Georgia Tech Research Corporation in support of the research and development of the Solid-on-Solid process for applying chemicals to textiles. The grant renewal will be for a 12-month period at a DOE funding level of \$300,000 beginning August 1, 1986. This schedule will provide continuity in the research on the Solid-on-Solid processing concept initiated and conducted by Georgia Tech during the preceding 24 months. Industry will cost share an estimated \$350,000 in the form of chemicals, textiles for testing, use of equipment and laboratory facilities, analytical tests, and laboratory manpower.

Procurement Request No. 05-86CE40702.001

Project Scope

The research will be conducted by the faculty of the School of Textile Engineering of the Georgia Institute of Technology as part of the Georgia Tech Research Corporation program. The technology is based on electrification of powered chemicals, application of the powders by xerography, spray or fluid-bed techniques to the fabric, and rapid thermal fixation. The work proposed in this grant renewal will move the development from the laboratory of Georgia Tech's School of Textile Engineering to the laboratory of the powder application equipment manufacturers in a scale-up step. Working in larger scale equipment will emphasize the problems to be resolved and permit use of commercial size fabrics and materials.

Georgia Tech Research Corporation has assembled a group of research personnel and developed capabilities for research on the Solid-on-Solid processing concept centered in the School of Textile Engineering that is unmatched in the field of textile research. Georgia Tech assemblage of expertise, facilities, integrated effort and industry support does not exist, so far as we can determine, in any other organization. For this capability to be duplicated would require upwards of two years and more than a duplication of funds expended to date. For these reasons we recommend that eligibility

for this grant be restricted to the Georgia Tech Research Corporation.

FOR FURTHER INFORMATION CONTACT:

Robert G. Massey, CE-142, Office of Industrial Programs, U.S. Department of Energy, Washington, DC 20585, Telephone No.: 202-252-8668.

Dated: June 20, 1986.

Peter D. Dayton,

Director, Procurement and Contracts Division.

[FR Doc. 86-15154 Filed 7-3-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP83-219-001; Docket No. CP60-44-003]

ANR Pipeline Co. Texas Gas Transmission Corp.; Petition for Declaratory Order

June 27, 1986.

Take notice that on June 23, 1986, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42304, and ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, (collectively referred to as Petitioners) filed a Petition for Clarification of Provisions of Order Pursuant to Rule 207 of the Rules of Practice and Procedure, 18 CFR 385.207, requesting that the Commission clarify its order of April 29, 1983, 23 FERC ¶62,128, issuing a certificate of public convenience and necessity authorizing, *inter alia*, the transportation of natural gas by Texas Gas for ANR (formerly Michigan Wisconsin Pipe Line Company) to Texas Gas Exploration Corporation's (TGE) Eunice Gas Processing Plant (Eunice Plant). Specifically, Petitioners request the Commission to clarify that the April 29, 1983, order to provide that TGE may supply ANR with plant volume reductions (PVR) in kind and adjust the share of the net processing revenues under the Gas Processing Agreement, dated February 16, 1983, entered into between ANR and TGE, all as more fully stated in the petition which is on file with the Commission and open to public inspection.

Petitioners state that ANR was authorized to construct and operate additional facilities for metering the gas to be delivered to Texas Gas and piping and associated facilities necessary to redeliver the residue gas from the Eunice Plant back to the pipeline system of ANR. Petitioners also state that, in Docket No. CP60-44-002,

the Commission amended the order issued August 11, 1960, 24 FPC 212, as amended, in Docket No. CP60-44, to authorize the exchange of natural gas at the tailgate of the Eunice Plant. This new exchange point permitted the early processing of ANR's gas supplies by providing for the delivery by displacement of residue gas to ANR, until the proposed residue gas pipeline for direct delivery to ANR's system was completed, it is explained. Petitioners indicate that the new exchange point has also provided additional operating flexibility for both ANR and TGECE on a long term basis.

Petitioners state that, under the agreement, TGECE has the exclusive right to process gas and the right to purchase and thereafter market the extracted products, and ANR is responsible for its *pro rata* share of plant fuel and shrinkage incidental to the processing. ANR received an allocated share of the revenues from the extracted products based on the net amounts received by TGECE for such products f.o.b. the Eunice Plant, it is asserted. ANR reserved the option to take in kind all or a part of the share of the extracted products, it is indicated. Also, Petitioners state that ANR reserved the option to suspend deliveries of its gas to TGECE for processing in the event the value of the natural gas to be processed exceeds the value of the shrinkage and TGECE reserved the option to terminate the processing of ANR's gas if such processing becomes uneconomical for TGECE.

Since the issuance of the order on April 29, 1983, TGECE has been processing the ANR gas and extracting liquid hydrocarbons, it is averred. Petitioners assert that ANR has been advised by TGECE that TGECE proposes to exercise its option under the agreement so that such processing would be suspended as uneconomical unless certain modifications are made in and under the agreement. Accordingly, on May 16, 1986, ANR and TGECE amended the agreement, it is stated. Under the proposed modification in the processing of the gas, TGECE proposes to supply ANR with PVR in kind and adjust the share of the net processing revenues. ANR and TGECE have agreed, subject to approval, to give accounting effect to the modifications as of March 1, 1986, it is indicated.

Petitioners state that the processing modifications would have no impact on the certificated services in Docket No. CP83-219-000. The Texas Gas transportation services would remain unchanged and there would be no

modification to the ANR facilities originally authorized, it is explained.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 11, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-15160 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-131-000]

Lawrenceburg Gas Transmission Corp., Filing

July 1, 1986.

Take notice that on June 26, 1986, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing proposed changes to its FERC Gas Tariff. Such changes were filed to comply with §§ 284.7(a) and 284.7(b)(2) of the Federal Energy Regulatory Commission's (Commission) Regulations, all as more fully set forth in the filing, which is on file with the Commission and open to public inspection.

Lawrenceburg currently provides a transportation service under the transitional provisions of Order No. 436. Lawrenceburg states that, pursuant to § 284.7(b)(2) of the Commission's Regulations, it must file rates in accordance with § 284.7(a) to be effective not later than July 1, 1986, in order to continue providing such services after that date. Lawrenceburg requests waivers of all Commission's Rules and Regulations, as necessary, to permit the tendered tariff sheets to become effective on July 1, 1986.

Copies of the filing were served upon Lawrenceburg's jurisdictional customers and its affected state commissions.

Any person desiring to be heard or to protest said filing, should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214

and 385.211 of the Commission's Regulations. All such motions or protests should be filed by July 9, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-15208 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-57-009]

Natural Gas Pipeline Company of America; Tariff Filing

July 1, 1986.

Take notice that on June 26, Natural Gas Pipeline Company of America (Natural) tendered for filing Sixth Revised Sheet No. 5E to be a part of its FERC Gas Tariff, Third Revised Volume No. 1. Natural states that the revised sheet sets out the threshold percentages and discount rates applicable to Rate Schedule IOS for the month of July, 1986.

Natural has mailed copies of this filing to its jurisdictional customers and interested states regulatory agencies.

Natural requests waiver of the Commission's regulations to the extent necessary to permit Sixth Revised Sheet No. 5E to become effective July 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before July 9, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-15209 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-132-000]

Southern Natural Gas Co.; Compliance Filing

July 1, 1986.

Take notice that on June 26, 1986, Southern Natural Gas Company (Southern) tendered for filing Sixth Revised Sheet No. 30D to its FERC Gas Tariff, Sixth Revised Volume No. 1. Southern states that this filing is being made pursuant to Ordering Paragraph (D) of the Federal Energy Regulatory Commission's June 3, 1986 order in Docket No. CP86-281-000 and that the revised sheet sets forth the rates to be effective under its Flexible Discount Rate Schedule during July of 1986. Southern is requesting an effective date of July 1, 1986.

Southern indicates that copies of the filing have been mailed to all of its jurisdictional purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 9, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb, ge dp2:a07jy3048

Secretary.

[FR Doc. 86-15210 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-439-001]

Southern Natural Gas Co.; Amendment to Application

June 30, 1986.

Take notice that on June 26, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-439-001, an amendment to its application filed in Docket No. CP86-439-000 pursuant to section 7(c) of the Natural Gas Act so as to reflect the addition of receipt points in Southern's transportation contract with Columbia Nitrogen Corporation and Nippon, Inc. (jointly referred to as CNC), all as more fully set forth in the amendment which

is on file with the Commission and open to public inspection.

In its original application, Southern proposed to transport up to 76 billion Btu of natural gas per day for CNC for a term of one year. It was stated that such gas was to be delivered to Southern at the existing point of interconnection between United Gas Pipe Line Company and Southern in Ouachita Parish, Louisiana.

It is indicated that in addition to the sellers previously named in the original application and transportation agreement, CNC has acquired the right to purchase natural gas from SNG Trading Inc. Southern states that it has amended its transportation agreement with CNC to include the following receipt points:

- (1) The existing point of interconnection on Southern's facilities located at mile post 2.083 on the 6-inch Breton Sound Block 11 Pipeline in Block 22, Breton Sound Area, offshore Louisiana.
- (2) The existing point of interconnection at the inlet of Southern's Carthage Meter Station No. 228 near mile post 0.0 on the Carthage Pipeline in Panola County, Texas.
- (3) The existing point of interconnection between the producers and Southern on the Main Pass Block 120 "CA" platform, the Main Pass Block 133 "B" platform, the Main Pass Block 133 "CB" platform, and the Main Pass Block 133 "A" platform, Main Pass Area, offshore Louisiana.
- (4) The existing point of interconnection on Southern's measurement facilities located on a production platform located in Block 194, Mississippi Canyon Area, offshore Louisiana.
- (5) The existing point of interconnection on Southern's facilities at its Meter Station No. 374 located on production platform "A" in UTM Area Zone 16, in Block 268, Mississippi Canyon Area, offshore Louisiana.
- (6) The existing point of interconnection on Southern's facilities at its Meter Station No. 370 located on a production platform in UTM Area Zone 16, Block 311, Mississippi Canyon Area, offshore Louisiana.

Southern states that in all other aspects, its proposed remains the same. Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 11, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211)

and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 86-15159 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-395-001 et al.]

Electric Rate and Corporate Regulation Filings; Arizona Public Service Co. et al.

July 1, 1986.

Take notice that the following filings have been made with the Commission:

1. Arizona Public Service Company

[Docket No. ER86-395-001]

Take notice that on June 23, 1986, Arizona Public Service Company ("APS") tendered for filing a Revision to Amendment No. 2 to its Wholesale Power Supply Agreement with Southern California Edison Company ("SCE"). The Revision to Amendment No. 2 is tendered for filing in response to a Deficiency Letter from the Commission, dated May 23, 1986.

The current rate of service to SCE contains provisions for the application of an Arizona Transaction Privilege Tax. The Revision to Amendment No. 2 eliminates this tax, effective on the date the Wholesale Power Supply Agreement became effective between the Parties, August 21, 1984, rather than on the date it is accepted for filing.

In response to the Deficiency Letter, APS has refunded the monies collected from SCE from August 21, 1984 until March, 1986, including interest, in accordance with 18 CFR 35.19a.

Copies of this filing have been served upon the Arizona Corporation Commission, SCE and the California State Commission.

Comment date: July 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Boston Edison Company

[Docket No. ER86-562-000]

Take notice that on June 26, 1986, Boston Edison Company (Boston Edison) tendered for filing revised Exhibit Bs and amendments to Exhibit

Cs for its Rate Schedules FPC Nos. 47 and 51 for service to the Towns of Concord and Wellesley, Massachusetts, to allow those customers to shift from all requirements service from Boston Edison to the taking of a portion of their power requirement from Boston Edison and a portion from the New York Power Authority (NYPA). Boston Edison also filed unexecuted service agreements to provide for transmission service for the NYPA power delivered to Concord and Wellesley. Boston Edison asks that the rate schedule changes be made effective as of July 1, 1985.

Boston Edison states that this filing has been posted and that copies of the filing have been served upon the two Towns, the Massachusetts Municipal Wholesale Electric Company and the Massachusetts Department of Public Utilities.

Comment date: July 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. El Paso Electric Company

[Docket No. ER86-368-004]

Take notice that on June 23, 1986, El Paso Electric Company ("El Paso") tendered for filing copies of revised rate schedules and cost support reflecting summary disposition as ordered by the Commission in an order of May 22, 1986.

El Paso states that a copy of the filing has been mailed to each party on an enclosed service list.

Comment date: July 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power Corporation

[Docket No. ER86-561-000]

Take notice that on June 26, 1986, Florida Power Corporation (Florida Power) tendered for filing Service Schedule J—Negotiated Interchange Service, and a Letter of Commitment dated June 15, 1986, providing for 75 MW of firm interchange service from Florida Power to Orlando Utilities Commission. Florida Power states that Service Schedule J and the Letter of Commitment were executed pursuant to the Contract for Interchange Service dated January 24, 1979 between Florida Power and Orlando Utilities Commission, which contract is designated Florida Power's Rate Schedule FERC No. 86. Service Schedule J and the Letter of Commitment are submitted for inclusion as supplements to that rate schedule.

Florida Power requests that Service Schedule J and the Letter of Commitment be permitted to become effective June 23, 1986, and, therefore, requests waiver of the sixty (60) day

notice requirement. Copies of this filing have been served on Orlando Utilities Commission and the Florida Public Service Commission.

Comment date: July 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. New England Power Company

[Docket No. ER86-239-002]

Take notice that on June 23, 1986, New England Power Company (NEP) filed a Compliance Report and supporting documentation that effectuates the terms of an Offer of Settlement in this proceeding that resolves the treatment of test generation prior to commercial operation of the Millstone #3 unit.

NEP states that appropriate refunds, including interest, were made on June 6, 1986.

Comment date: July 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Company Services, Inc.

[Docket No. ER86-560-000]

Take notice that on June 25, 1986, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company ("Southern Companies"), tendered for filing Service Schedule EP (Economic Energy Participation Schedule) to an interchange contract between Southern Companies and Florida Power & Light Company (FPL).

Service Schedule EP sets forth the terms, conditions and rates under which Southern Companies agree to transmit economic energy purchased by FPL from certain third party utilities with which Southern Companies have direct transmission interconnections. SCS requests that the new service schedule be allowed to become effective on June 30, 1986 so as to allow FPL to determine whether additional economic energy transactions can be arranged to the benefit of the customers of all participating parties.

Comment date: July 11, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-15206 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-559-000 et al.]

Unitil Power Corp. et al.; Electric Rate and Corporate Regulation Filings

June 30, 1986.

Take notice that the following filings have been made with the Commission:

1. Unitil Power Corp.

[Docket No. ER86-559-000]

Take notice that on June 24, 1986, Unitil Power Corp. ("Unitil Power") tendered for filing as an initial rate filing Rate Schedule No. 1, pursuant to section 205 of the Federal Power Act and 18 CFR 35.12.

Pursuant to Rate Schedule No. 1 Unitil Power will provide wholesale firm service for resale to Concord Electric Company ("Concord") and Exeter & Hampton Electric Company ("Exeter"). Rate Schedule No. 1 consists of a system power agreement pursuant to which Unitil will provide Concord and Exeter with electricity in the form of three-phase, sixty hertz alternating current at 34.5 KV. The agreement contemplates an effective date of October 1, 1986, and continues in force until terminated by 10 years' prior notice or a superceding agreement.

Unitil Power requests that Rate Schedule No. 1 become effective on October 1, 1986 in order that the sale of power to Concord and Exeter will succeed the termination of power sales from Public Service Company of New Hampshire. The rates charged pursuant to Rate Schedule No. 1 shall consist of a customer charge, a demand charge and an energy charge. Each charge is determined based on cost of service formulas specified in Rate Schedule No. 1.

Unitil Power has served copies of the filing on Concord Electric Company and Exeter & Hampton Electric Company.

Comment date: July 10, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Northern States Power Company (Wisconsin); Lake Superior District Power Company

[Docket No. EC86-22-000]

Take notice that on June 24, 1986, Northern States Power Company (Wisconsin) and Lake Superior District Power Company filed a joint application pursuant to section 203 of the Federal Power Act seeking an order authorizing the merger of all of Lake Superior District Power Company's facilities subject to the jurisdiction of the Federal Energy Regulatory Commission with and into Northern States Power Company's (Wisconsin) facilities subject to the jurisdiction of the Federal Energy Regulatory Commission.

Northern States Power Company (Wisconsin) is a Wisconsin corporation with its principal business office in Eau Claire, Wisconsin and primarily is engaged in the electric utility business in Wisconsin. Lake Superior District Power Company is a Wisconsin corporation with its principal business office in Eau Claire, Wisconsin and primarily is engaged in the electric utility business in Wisconsin and Michigan. All of the outstanding common stock of Northern States Power Company (Wisconsin) and Lake Superior District Power Company is owned by Northern States Power Company (Minnesota).

Comment date: July 10, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of New Mexico

[Docket No. ER86-555-000]

Take notice that on June 25, 1986, Public Service Company of New Mexico (PNM) tendered for filing as an initial rate schedule a Precommercial Energy Sale Letter Agreement (Letter Agreement) between PNM and San Diego Gas & Electric Company (SDG&E).

The service to be provided under the Letter Agreement is the sale to SDG&E of varying amounts of on-peak and off-peak PNM precommercial energy generated by Palo Verde Nuclear Generating Station Unit 2. The price for the precommercial energy is based on 87 percent of SDG&E's hourly incremental costs, not to exceed \$27/MWh on-peak and \$17/MWh off-peak.

PNM requests an effective date of May 2, 1986, and therefore, requests waiver of the Commission's notice requirements.

Copies of the filing were served upon SDG&E and the New Mexico Public Service Commission.

Comment date: July 10, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-15157 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM85-1-176]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Columbia Gas Transmission Corp.); Request for Clarification

July 1, 1986.

Take notice that on June 9, 1986, Columbia Gas Transmission Corporation (Columbia) requested clarification of two aspects of the contract reduction/conversion provisions in § 284.10 of the Commission's regulations, as promulgated in Order No. 436, *et seq.* in the above-captioned proceeding. First, Columbia requests clarification of the interrelationship between the contract reduction/conversion provisions of § 284.10 and the total daily entitlement reduction provisions of Article VIII of the omnibus PGA settlement in *Columbia Gas Transmission Corporation*, Docket No. TA82-1-21-001, *et al.*¹ Second, Columbia requests clarification of whether the "firm sales entitlements" of Columbia's customers under § 284.10(c)(3) are the Contract Demand (CD) levels for each customer

under Columbia's sales rate schedules or the CD levels plus the Maximum Daily Quantities under Columbia's Winter Service Rate Schedule.

Any person may file initial comments on Columbia's request on or before July 21, 1986. Reply comments may be filed 10 days thereafter. Comments shall be served on all parties on the official service list for *Columbia Gas Transmission Corporation*, Docket No. TA82-1-21-001, *et al.*

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-15207 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-19437-000 *et al.*]

Conoco Inc., *et al.*, National Gas; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates¹

June 30, 1986.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or, to make any protest with reference to said applications should on or before July 15, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

¹ See *Columbia Gas Transmission Corp.*, 31 FERC ¶ 61,307, as modified, 31 FERC ¶ 61,372, as further modified, 33 FERC ¶ 61,344 (1985).

² This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-19437-000, D, June 17, 1986...	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Southern Natural Gas Company, Bayou Long Field, Iberia and St. Martin Parishes, Louisiana.	(2)	
C161-1147-006, D, June 16, 1986...	Sun Exploration and Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	ANR Pipeline Company, Putnam Field, Dewey County, Oklahoma.	(3)	
C161-1147-007, D, June 16, 1986...	do	ANR Pipeline Company, Woodward Area, Woodward, Woods, Major and Dewey Counties, Oklahoma.	(4)	
C180-214-001, D, June 13, 1986...	BHP Petroleum (Americas) Inc., P.O. Box 1201, Wichita, Kansas 67201.	El Paso Natural Gas Company, Spraberry Area Field, Reagan County, Texas.	(5)	
C186-501-000, B, June 9, 1986...	Bogert Oil Company, 2601 N.W. Expressway—Suite 1000W, Oklahoma City, Okla. 73112.	Arkansas Louisiana Gas Company, Sec. 9-18N-11W, Blaine County, Oklahoma.	(6)	
C186-502-000 (G-15799) B, June 9, 1986...	Fairman Drilling Company, P.O. Box 288, DuBois, Pennsylvania 15801.	Consolidated Gas Transmission Corporation, Rockton-Clearfield County, Pennsylvania.	(7)	
C186-505-000, B, June 4, 1986...	Northern Oil & Gas, Inc., P.O. Box 5090, Borger, Texas 79008-5090.	Panhandle Eastern Pipe Line Company, Panhandle Carson County Field, Carson County, Texas.	(8)	
C186-506-000, F, June 11, 1986...	Phillips Petroleum Company, 336 HS&L Bldg., Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Company, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 7, Block M-16, AB&M Survey, Hutchinson County, Texas.	(9)	
C186-508-000, B, June 12, 1986...	McCormick 1972 Oil & Gas Program, c/o Graham Resources, Inc., P.O. Box 3134, Covington, La. 70434-3134.	Transcontinental Gas Pipe Line Corporation, Crowley Field, Acadia Parish, Louisiana.	(10)	
C186-509-000 (C175-333), B, June 12, 1986...	BHP Petroleum (Americas) Inc., P.O. Box 1201, Wichita, Kansas 67201.	Colorado Interstate Gas Company, Interstate Field, Morton County, Kansas.	(11)	
C186-511-000, A, June 13, 1986...	Pioneer Production Corporation, P.O. Box 2542, Amarillo, Texas 79189.	Natural Gas Pipeline Company of America, Certain acreage in Woodward County, Oklahoma.	(12)	
C186-512-000, A, June 13, 1986...	Texaco Inc., P.O. Box 52332, Houston, Texas 77052.	Transcontinental Gas Pipe Line Corporation, Well No. A-1 (OCS-G-2130) South Marsh Area Block 107 Field, Offshore, Louisiana.	(13)	
C186-515-000, B, June 16, 1986...	Lake Petroleum Inc., 1108 Commercial Natl. Bank Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Corp., Lucy Field, St. Charles Parish, Louisiana.	(14)	
C186-519-000, B, June 16, 1986...	Bogert Oil Company, 2601 N.W. Expressway—Suite 1000W, Oklahoma City, Okla. 73112.	ANR Pipeline Company & Delhi Gas Pipeline, Sec. 10-23N-16W, Sooner Trend Campbell Field, Major County, Oklahoma.	(15)	
C186-520-000, B, June 10, 1986...	Coffman Services, Inc. (assignee of Maquire Oil Company), 3800 Republic Bank Tower, Dallas, Texas 75201.	Valley Gas Transmission, Inc., Buena Suerte Field, Duval County, Texas.	(16)	
C186-524-000, A, June 23, 1986...	FMP Operating Company, a Limited Partnership, P.O. Box 60004, New Orleans, La. 70160.	Columbia Gas Transmission Corporation, Eugene Island Blocks 308 and 315, Offshore Louisiana.	(18)	
C186-526-000, B, June 19, 1986...	Samedan Oil Corporation, P.O. Box 909, Ardmore, Okla. 73402.	ANR Pipeline Company, Niles Field, Canadian County, Oklahoma.	(19)	
C186-527-000, B, June 19, 1986...	do	Colorado Interstate Gas Company, Woodrow Field, Washington County, Colorado.	(20)	
C186-528-000, B, June 19, 1986...	Quaker State Oil Refining Corporation, P.O. Box 1327, Parkersburg, W. Va. 26101.	Consolidated Gas Transmission Corporation, New Milton District, Doddridge County, West Virginia.	(21)	
G-6534-000, D, June 20, 1986...	Mobil Oil Corporation, Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Williston Basin Interstate Pipeline Company, Worland Field, Washakie and Big Horn Counties, Wyoming.	(22)	
G-10143-005, D, June 19, 1986...	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, West Delta Block 84, Offshore Louisiana.	(23)	
G-14648-000, D, June 23, 1986...	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	El Paso Natural Gas Company, Dakota Basin Field, San Juan County, New Mexico.	(24)	
G-14849-000, D, June 23, 1986...	do	El Paso Natural Gas Company, Aztec Pictured Cliffs Field, San Juan County, New Mexico.	(25)	
G-16911-000, D, June 23, 1986...	do	Cimmarron Transmission Company, Enville Field, Love County, Oklahoma.	(26)	
C184-342-001, D, May 23, 1986...	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	Mountain Fuel Resources, Inc., Nitchie Gulch Field, Sweetwater County, Wyoming.	(27)	
C186-470-008, D, June 19, 1986...	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Arkla Energy Resources, Red Oak Field, Le Flore County, Oklahoma.	(28)	
C172-660-000, D, June 20, 1986...	Conoco Inc., P.O. Box 2197, Houston, Texas 77252...	Tennessee Gas Pipeline Company, a division of Tenneco Inc., Sarco Creek Field, Goliad County, Texas.	(29)	
C185-703-001, C186-32-001, C183-305-002, June 19, 1986.	Texaco Inc., P.O. Box 52332, Houston, Texas 77052.	Bridgeline Gas Distribution Co. Certain acreage in St. Mary Parish, Louisiana.	(30)	

1 Not used.

2 Surrender or reversion of acreage.

3 Property sold to Timberwolf Energy Company.

4 Property sold to Robert L. Ham.

5 Effective 6-1-84 BHP Petroleum (Americas) Inc. sold its interest in a portion of the acreage to Cass Oil Company.

6 Arkla has a high pressure system on Section 9-18N-11W, Blaine County, Oklahoma and neither party wants to compress the gas for any future development in said acreage. Bogert Oil Company wants to drill another well in said acreage and sell any gas found into a low pressure system. Arkansas Louisiana Gas Company has agreed to release said acreage except the Wisdom #2-9 well in the SW $\frac{1}{4}$ of said acreage. Phillips 66 Natural Gas Company will give Bogert Oil Company a new contract and lay a low pressure system to the well.

7 Natural gas reserves depleted.

8 Panhandle Eastern has refused to purchase the gas. Applicant proposes to sell instead to Cabot Corporation.

9 By Assignment, Conveyance and Bill of Sale, Shell Western E&P Inc. (Shell) assigned its .109375 working interest in the C.E. Way lease to Phillips effective 8-1-84.

10 Jeffers #1 plugged and abandoned 10-20-82. No future production planned.

11 On 7-13-84 the well was plugged and abandoned.

12 Applicant is filing under Gas Purchase Contract dated 5-20-85.

13 Applicant is filing under a contract dated 12-4-78, as ratified and amended on 3-13-86.

14 Primary term of contract ended 4-4-81, and extended from year to year thereafter subject to cancellation on notice. Contract was terminated by Buyer effective 4-4-86. Wells were abandoned and are presently being plugged.

15 ANR Pipeline Company never bought any gas in Sec. 10-23N-16W, Major County, Oklahoma. The Freeman #1 was plugged and abandoned. Texas Oil and Gas Corp. drilled the Freeman "A" #1 and sold gas to Delhi Gas Pipeline from 1980 to 1982. This well was plugged in 1982. Bogert Oil Company obtained all new leases on Sec. 10-23N-16W, Major County, Oklahoma in 1985. Bogert Oil Company feels that there are a sufficient amount of reserves left in Sec. 10-23N-16W, Major County, Oklahoma to spend a substantial amount of money drilling a new well and Union Texas Petroleum will give them a new contract and lay a low pressure system into Section 10-23N-16W, Major County, Oklahoma.

16 No current production.

17 Not used.

18 Applicant is filing under Contract dated 6-2-86 ratifications of 2-18-69 contracts (as amended).

19 Well depleted.

20 Well does not meet quality specifications under CIG gas contract. As a result, no gas has been sold since March 1981. Gas will be sold in the interstate market to Cumberland Gas, Inc.

21 No gas sales; lack of production.

22 To release from contract commitment the Union-Worland Unit, T47N-R92W, all of Sections 3, 4, 5, 9 and 10 and NE $\frac{1}{4}$ of Section 8, Phosphoria Formation reservoir only, so that an alternative means of handling this gas can be obtained.

23 Partial Release in State Lease No. 2551 dated 8-13-84.

24 Property sold to Texaco, Inc.

25 Property sold to Sunland Oil Company.

²⁰ Property sold to Atlantic Richfield Company.

²¹ Deletion of acreage.

²² Property sold to Amoco Production Company.

²³ Assignment of acreage to N.C. Ginther, et al.

²⁴ Applicant is filing for an additional delivery point.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-15158 Filed 7-3-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Notice is hereby given of the following meeting:

Name: Solid Earth Sciences Panel of the Energy Research Advisory Board.

Date & Time: July 28 & 29, 1986—8:30 a.m.—4:00 p.m.

Place: Department of Energy, Room 4A110, 1000 Independence Avenue, SW, Washington, DC 20585.

Contact: William L. Woodard, Department of Energy, Office of Energy Research (ER-6), 1000 Independence Avenue, SW, Washington, DC 20585. Telephone: (202) 252-5767.

Purpose of the Parent Board

To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Purpose of the Panel

The purpose of the Panel is to review the research and development programs of the Department of Energy involving the solid earth sciences, including such topics as basic research in continental structure, modeling enhanced oil recovery, and underground migration of chemicals. The Panel will also review the arrangements for coordination between industry, universities, and Federal agencies.

Tentative Agenda

July 28, 1986

- Security Issues and Petroleum Supply
- Earth Science Related Research in Office of Health and Environmental Sciences, DOE
- Review of Geoscience Research Documents FY 1985
- Funding and Organizational Structure of Programs Within DOE
- Procedures within DOE for Prioritization of Geoscience Research Activities
- Contents and Recommendations of the Solid Earth Sciences Panel Report

• Public Comment—10 minute rule Tentative Agenda

July 29, 1986

- Morgantown Energy Technology Center Research in Enhanced Oil Recovery, Oil Shale and Liquids from Coal and Gas
- Oil and Energy Crises of the Future
- Panel discussion on Contents and Recommendations of the Panel report
- Public Comment—10 minute rule.

Public Participation

The meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to the agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes of the Meeting

The minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 30, 1986.

Charles Cathey,

Deputy Director, Science and Technology Affairs Staff, Office of Energy Research.

[FR Doc. 86-15223 Filed 7-3-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3044-4]

Waste Management; Availability of Guidance Document

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of guidance document.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability of a guidance document

entitled "EPA Guide For Infectious Waste Management" (EPA/530 SW-86-014). The purpose of this document is to provide guidance on the management of infectious waste. The document outlines the EPA perspective on environmentally acceptable techniques for infectious waste management. Topics covered include a definition of infectious waste, and acceptable techniques for packaging, transport, treatment, storage, and disposal of materials considered infectious waste. The document also contains an updated summary of State requirements and regulations. EPA is publishing this guidance document to finalize the September 1982 "Draft Manual for Infectious Waste Management" (SW-957).

The document is currently available for purchase from the National Technical Information Service (NTIS) either as a paper copy (\$11.95) or as microfiche (\$5.95). A 25% discount is available for orders of 5 to 99 copies (for orders of 100 or more, contact NTIS for more information). Also, there is an additional \$3.00 processing charge per order, regardless of the number of copies.

ADDRESS: National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Telephone: (703) 487-4650. NTIS Order No. PB86-199130.

Requestors should cite the title, NTIS order number, and the EPA document number.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, at (800) 424-9346 (toll free), or (202) 382-3000. For technical information contact Jacqueline Sales at (202) 382-4770.

Dated: June 27, 1986.

J.W. McGraw,

Acting Assistant Administrator.

[FR Doc. 86-15171 Filed 7-3-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

Citizens Home Savings Co.; Lorain, OH Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank

Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Citizens Home Savings Company, Lorain, Ohio, on June 27, 1986.

Dated: June 30, 1986.

Jeff Sconyers,
Secretary.

[FR Doc. 86-15161 Filed 7-3-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-485]

First Federal Savings Bank of Connecticut, FSB New Haven, CT; Final Action Approval of Conversion Application

Dated: June 27, 1986.

Notice is hereby given that on May 12, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings Bank, FSB, New Haven, Connecticut, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Boston, Post Office Box 9106, Boston, Massachusetts 02205.

By the Federal Home Loan Bank Board.

Jeff Sconyers,
Secretary.

[FR Doc. 86-15197 Filed 7-3-86; 8:45 am]

BILLING CODE 6720-01-M

The State Savings and Loan Co.; South Euclid, OH; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for The State Savings and Loan Company, South Euclid, Ohio, on June 27, 1986.

Dated: June 30, 1986.

Jeff Sconyers,
Secretary.

[FR Doc. 86-15162 Filed 7-3-86; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Excel Bancorp, Inc. and Bancserve Group, Inc.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 25, 1986.

A. Federal Reserve Bank of Boston
(Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Excel Bancorp, Inc.*, Quincy, Massachusetts; to engage *de novo* through its subsidiary, First National Systems Corporation, Sandwich, Massachusetts, in providing data processing services pursuant to § 225.25(b)(7) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago
(Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *BancServe Group, Inc.*, Rockford, Illinois; to engage *de novo* through its subsidiary, BancServe Credit Life Insurance Company, Rockford, Illinois, in the activity of underwriting credit life insurance and credit accident and health insurance that is directly related to the extension of credit by Company and its subsidiaries pursuant to section 4(c)(8)(A) of the Bank Holding Company Act. These activities will be conducted in Illinois. Comments on this application must be received by July 24, 1986.

Board of Governors of the Federal Reserve System, June 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-15182 Filed 7-3-86; 8:45 am]

BILLING CODE 6210-01-M

The Indiana National Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listing company has also applied under § 225.23(a)(2) of Regulation Y (12 U.S.C. 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such

as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 25, 1986.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Indiana National Corporation*, Indianapolis, Indiana; to merge with CommerceAmerica Corp., Jeffersonville, Indiana, and thereby indirectly acquire CommerceAmerica Banking Company, Jeffersonville, Indiana, and Old Capital Bank and Trust Company, Corydon, Indiana.

Applicant has also applied to acquire CommerceAmerica Credit Life Insurance Company, Phoenix, Arizona, and thereby engage in underwriting as a reinsurer, credit life and disability insurance directly related to extensions of credit by its affiliates, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-15183 Filed 7-3-86; 8:45 am]

BILLING CODE 6210-01-M

James Madison Limited; Formations of; Acquisitions By; and Mergers of Bank Holding Companies; Correction

This notice corrects a previous Federal Register document (FR Doc. No. 86-14402, published at page 23274 of the issue for Thursday, June 26, 1986).

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *James Madison Limited*, Washington, D.C.; to merge with UNB Bancshares, Incorporated, Washington, D.C., and thereby indirectly acquire United National Bank of Washington, Washington, D.C.

Comments on this application must be received not later than July 18, 1986.

Board of Governors of the Federal Reserve System, June 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-15184 Filed 7-3-86; 8:45 am]

BILLING CODE 6210-01-M

Midland Bank plc; Applications To Engage de Novo in Permissible Nonbanking Activities; Correction

This notice corrects a previous Federal Register document (FR Doc. No. 86-14404, published at page 23274 of the issue for Thursday, June 26, 1986).

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Midland Bank, plc*, London, England; to engage de novo through its subsidiary, Midland-Montagu Municipal Securities, Inc., San Francisco, California, in providing securities brokerage activities, related securities credit activities and incidental activities such as offering custodial services, pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Comments on this application must be received not later than July 14, 1986.

Board of Governors of the Federal Reserve System, June 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-15185 Filed 7-3-86; 8:45 am]

BILLING CODE 6210-01-M

Ohio Bancorp et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically

any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received no later than July 25, 1986.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ohio Bancorp*, Youngstown, Ohio; to acquire 100 percent of the voting shares of Finance Ohio Corporation, Martins Ferry, Ohio, and thereby indirectly The Peoples Banking Company, Martins Ferry, Ohio.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Piedmont Bank Group Incorporated*, Martinsville, Virginia; to acquire 100 percent of the voting shares of The First National Bank of Saltville, Saltville, Virginia.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Spivey Bank Shares, Inc.*, Swainsboro, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Spivey State Bank, Swainsboro, Georgia.

D. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Mid AmeriBancorp, Inc.*, Chicago, Illinois; to become a bank holding company by acquire 42.64 percent of the voting shares of Mid America National Bank of Chicago, Chicago, Illinois.

E. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Citizens Fidelity Corporation*, Louisville, Kentucky; to acquire 100 percent of the voting shares of First Midwest Bancorp, New Albany, Indiana, and thereby indirectly acquire First Midwest Bank and Trust, New Albany, Indiana.

In connection with this application, Citizens Fidelity Corporation of Indiana, New Albany, Indiana, has applied to become a bank holding company by acquiring First Midwest Bancorp, New Albany, Indiana. Comments on this application must be received not later than July 22, 1986.

F. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Mabrey Insurance Agency, Inc.*, Okmulgee, Oklahoma; to acquire 100

percent of the voting shares of Bank of Commerce, Wetumka, Oklahoma.

Board of Governors of the Federal Reserve System, June 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-15186 Filed 7-3-86 8:45 am]

BILLING CODE 6210-01-M

Union Bankshares, Ltd.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) of (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 23, 1986.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Union Bankshares, Ltd.*, Denver, Colorado; to acquire Colorado Bankers Mortgage, Inc., Denver, Colorado, and thereby engage in making and servicing

loans and other extensions of credit as would be made by a mortgage company pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-15187 Filed 7-3-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 27, 1986.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of packages)

National Institutes of Health

Subject: Comparison of Self vs Interviewer Administration of a Diet Questionnaire—NEW

Respondents: Individuals or households

Food and Drug Administration

Subject: Application for Exemption from Pre-exemption for Medical Devices—Extension—(0910-0129)

Respondents: State or local governments
OMB Desk Officer: Bruce Artim

Social Security Administration

(Call Reports Clearance Officer on 301-594-5706 for copies of package)

Subject: Application for Benefits Under the U.S.—Italy International Social Security Agreement—NEW

Respondents: Individuals or households
Respondents: Agreement to Sell

Property—Extension—(0960-0127)
Respondents: Individuals or households
OMB Desk Officer: Judy A. McIntosh

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of package)

Subject: Hospital Request for Certification—Revision—(0938-0380)—HCFA-1514

Respondents: State or local governments

Subject: Psychiatric Hospital Medicare Survey Report Form—Revision—(0938-0378)—HCFA-1537A

Respondents: State or local governments
Subject: Hospital Provider of Long Term Care Services (Swing Bed) Survey Report Form—NEW—HCFA-1537C

Respondents: State of local governments
Subject: Request for Hearing Hospital Insurance Benefits Payable Under Part A—Existing—

Respondents: Individuals or households; Businesses or other for-profit; Small businesses or organizations
Subject: Hospital Survey Report Form—Revision—(0938-0382)

OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer of the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208 Washington, DC 20503
ATTN: (Name of OMB Desk Officer)

Dated: June 30, 1986.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management, Analysis, and Systems.

[FR Doc. 86-5164 Filed 7-3-86; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 85N-0263]

Neurotoxicity and Behavioral Dysfunction; Report Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the final report of the Federation of American Societies for Experimental Biology (FASEB) on neurotoxicity and behavioral dysfunction is available to the public.

DATE: The final report was publicly available on July 1, 1986.

ADDRESSES: Requests for a copy of the final report should be sent to FASEB's Special Publication Office, FASEB, 9650 Rockville Pike, Bethesda, MD 20814, along with \$25 to cover the cost. In the near future the report will be available from the National Technical Information Service, 5275 Port Royal Rd., Springfield, VA 22161. Copies are on display at the

Life Sciences Research Office (LSRO), FASEB (address above), and at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 9, 1985 (50 FR 28034), FDA announced that LSRO of FASEB, under its contract with FDA (223-83-2020), was undertaking a study to examine certain scientific issues related to neurotoxicity and behavioral dysfunction. The Scientific Steering Group that FASEB established under this contract recommended that LSRO conduct a symposium and workshop to study this matter.

The symposium was conducted on September 30, 1985, and the workshop was held the following day.

In its final report, LSRO presents a series of invited review papers presented at the symposium and addresses the need for the collection of toxicity data on the nervous system, available methods, and the current status of research in the science of neurotoxicity and behavioral dysfunction.

Dated: June 27, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-15138 Filed 1-3-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0245]

Bausch & Lomb Inc.; Premarket Approval of Bausch & Lomb® SENSITIVE EYES™ Lens Lubricant

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Bausch & Lomb Inc., Rochester, NY, for premarket approval, under the Medical Device Amendments of 1976, of the BAUSCH & LOMB® SENSITIVE EYES™ Lens Lubricant. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by August 6, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug

Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On September 6, 1984, Bausch & Lomb Inc., Rochester, NY 14692, submitted to CDRH an application for premarket approval of the BAUSCH & LOMB® SENSITIVE EYES™ Lens Lubricant. The device is indicated for use to soothe dry, irritated eyes and to relieve minor discomfort or blurring which may occur while wearing hard or soft (hydrophilic) contact lenses.

On July 15, 1985, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On May 30, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Docket Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above.

The labeling of the BAUSCH & LOMB® SENSITIVE EYES™ Lens Lubricant states that the solution is indicated for use to soothe dry, irritated eyes and to relieve minor discomfort or blurring which may occur while wearing hard or soft (hydrophilic) contact lenses. Manufacturers of any soft (hydrophilic) contact lens that have been approved for marketing are advised that whenever CDRH publishes a notice in the Federal Register of the approval of a new solution for use with an approved soft contact lens, each lens manufacturer or PMA holder shall correct its labeling to refer to the new solution at the next printing or at such other time as CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this

application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 6, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of the document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(h), 520(h), 90 Stat. 544-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 27, 1986.

John C. Villforth,

Director Center for Devices and Radiological Health.

[FR Doc. 86-15134 Filed 7-3-86; 8:45 am]

BILLING CODE 4160-01-0

[Docket No. 86M-0248]

Datascope Corp.; Premarket Approval of NOVACOL™ Textured Collagen Hemostatic Agent

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Datascope Corp., Oakland, NJ, for premarket approval, under the Medical

Device Amendments of 1976, of the NOVACOL™ Textured Collagen Hemostatic Agent. After reviewing the recommendation of the General and Plastic Surgery Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by August 6, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

SUPPLEMENTARY INFORMATION: On August 22, 1985, Datascope Corp., Oakland, NJ 07436, submitted to CDRH an application for premarket approval of the NOVACOL™ Textured Collagen Hemostatic Agent. The device is an absorbable hemostatic agent made from bovine dermal or tendon collagen fibers and is sterile and nonpyrogenic. NOVACOL™ Textured Collagen Hemostatic Agent is indicated in surgical procedures (other than in neurological, urological, and ophthalmological surgery) for use as an adjunct to hemostasis when control of bleeding by ligature or other conventional methods is ineffective or impractical.

On March 25, 1986, the General and Plastic Surgery Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On May 27, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nirmal K. Mishra (HFZ-410), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any

interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 6, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 27, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-15137 Filed 7-3-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0250]

Gambro, Inc.; Premarket Approval of the Gambro Fiber Plasmafilter PP

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Gambro,

inc., Lincolnshire, IL, for premarket approval, under the Medical Device Amendments of 1976, of the Gambro Fiber Plasmafilter PP. After reviewing the recommendation of the Gastroenterology-Urology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by August 6, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Susanne R. Rohrer, Center for Devices and Radiological Health (HFZ-420), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7750.

SUPPLEMENTARY INFORMATION: On February 16, 1984, Gambro, Inc., Lincolnshire, IL 60069, submitted to CDRH an application for premarket approval of the Gambro Fiber Plasmafilter PP. The device is a cross-flow plasma filter for therapeutic plasma exchange. The device is indicated for use in performing therapeutic plasma separation from whole blood in a clinical setting to remove circulating plasma components or protein bound toxins.

On December 11, 1984, the Gastroenterology-Urology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On May 27, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Susanne R. Rohrer (HFZ-420), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C.

360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 6, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 27, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-15136 Filed 7-3-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0249]

Roche Diagnostic Systems; Premarket Approval of COBAS BACT[®] Automated Susceptibility Testing System

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug

Administration (FDA) is announcing its approval of the application by Roche Diagnostic Systems, Nutley, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the COBAS BACT[®] Automated Susceptibility Testing System. After reviewing the recommendation of the Microbiology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by August 6, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Hackett, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On November 30, 1984, Roche Diagnostic Systems, Nutley, NJ 07110, submitted to CDRH an application for premarket approval of the COBAS BACT[®] Automated Susceptibility Testing System, an antimicrobial susceptibility test system. The device is indicated for antimicrobial susceptibility testing of rapidly growing, nonfastidious aerobic and facultatively anaerobic bacteria. The COBAS BACT[®] Automated Susceptibility Testing System uses the COBAS BACT[®] Susceptibility Test Broth and the COBAS BACT[®] Susceptibility Disks.

On March 26, 1985, the Microbiology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On May 30, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from the office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Joseph Hackett (HFZ-440) address above.

Opportunity for Administration Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 6, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 27, 1986

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-15135 Filed 7-3-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-86-819]

Authority Delegations; Office of the Regional Administrator—Regional Housing Commissioner; Chicago Regional Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Regional Administrator—Regional Housing Commissioner is designating officials who may serve as Acting Regional Administrator—Regional Housing Commissioner during the absence, disability or vacancy in the position of the Regional Administrator—Regional Housing Commissioner.

EFFECTIVE DATE: This designation is effective May 28, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis Nixon, Regional Counsel, Chicago Regional Office, 300 South Wacker Drive, Chicago, Illinois 60606-6765, (312) 353-4681. (This is not a toll-free number).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Regional Administrator—Regional Housing Commissioner during the absence, disability or vacancy in the position of the Regional Administrator—Regional Housing Commissioner, with all the powers, functions and duties redelegated or assigned to the Regional Administrator—Regional Housing Commissioner: Provided that no official in this designation is authorized to serve as the Regional Administrator—Regional Housing Commissioner unless all other officials whose title precedes his or hers in this designation are unable to act by reason of absence, disability or vacancy.

1. Deputy Regional Administrator
2. Regional Counsel
3. Regional Director of Housing
4. Director, Community Planning Development
5. Director, Regional Administration
6. Executive Assistant to Regional Administrator
7. Director, Fair Housing and Equal Opportunity
8. Director, Indian Programs
9. Director, Public/Indian Housing.

This designation supersedes the designation published February 20, 1986 (at Docket No. D-86-812, FR-2219) and

Fed. Reg. (Citation) Vol. 51, No. 34, effective January 27, 1986.

Authority: Delegation of Authority, 27 Fed. Reg. 4319 (1962); Section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note; and Interim Order II, 31 Fed. Reg. 815 (1966).

Dated: June 9, 1986.

Gertrude W. Jordan,

Regional Administrator—Regional Housing Commissioner, Region V, Chicago Regional Office.

[FR Doc. 86-15140 Filed 7-3-86; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DES 86-30]

Availability of a Draft Environmental Impact Statement on the Proposed Lease of Planned Community on the San Xavier District of the Tohono O'odham (Papago) Indian Reservation, Pima County, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the Draft Environmental Impact Statement on the proposed lease of Tohono O'odham Indian Reservation Lands on the San Xavier District, Pima County, Arizona, is available for public review.

DATES: Written comments are due August 27, 1986. There will be four public meetings held: July 21, 1986 at 7 p.m. at the Holiday Broadway, 181 W. Broadway, Tucson, Arizona; July 22, 1986 at 7 p.m. at the San Xavier Community Building, San Xavier, Arizona; July 23, 1986 at 7 p.m. at the Sells Tribal Council Chambers, Sells, Arizona; July 24, 1986 at 7 p.m. at the Green Valley Recreational Center, Green Valley, Arizona.

ADDRESS: Comments should be addressed to Mr. James Stevens, Area Director, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011.

FOR FURTHER INFORMATION CONTACT: Mr. C. Randall Morrison, Area Environmental Protection Specialist, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, telephone (602) 241-2281. Individuals wishing copies of this DEIS for review should immediately contact the above individual. Copies have been sent to all agencies and individuals who participated in the scoping process and to all others who have requested copies.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs (BIA), Department of the Interior (DOI), has prepared a Draft Environmental Impact Statement (DEIS) on the proposal to lease 18,000 acres of land located within the San Xavier District of the Tohono O'odham Indian Reservation for the purpose of building a Planned Community by Santa Cruz Properties, Inc. The DEIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA); Council on Environmental Quality Regulations 40 CFR 1500-1508; DOI Guidelines for Compliance, 516 DM; and BIA Guidelines, 30 BIAM Supplement 1.

The DEIS addresses a proposal to develop a community of 100,000 persons on the project site. The purpose of the proposed action is to allow development of a planned community over a 23 year period, in six phases, combining residential, commercial, recreational, industrial, and governmental uses. The lease would involve San Xavier District lands and those of about 750 Indian allottees. It is proposed that the planned community will absorb a portion of future population growth by the City of Tucson and will provide planned land use for the San Xavier District.

Alternatives include no action, location of the project on another part of the reservation, location in another jurisdiction, mining use of the area, redesign of the project to smaller scale, or agricultural use. The major impacts from the proposed action would be to vegetation and wildlife as the result of approximately 16,349 acres permanently lost to construction and development, and socio-cultural changes attendant to development. Localized air quality may be affected by increased carbon monoxide emissions during peak traffic events. Beneficial impacts include substantial long-term revenue for tribal government and individual allottees, controlled and planned uses of the lands, and preservation of a major Hohokam Archaeological District.

Other governmental agencies and members of the public contributed to the planning and evaluation of the proposal and to the preparation of the DEIS. The Notice of Intent to prepare the DEIS was published in the Federal Register on August 29, 1983, (39 FR 163). Public involvement included direct requests for information and comments from 12 Federal agencies, 12 state agencies, ten local organizations, seven tribal entities, seven organizations with local interests, and 22 individuals. Public scoping meetings were held on December 29, 1983, at San Xavier, and October 6, 1983, at Tucson. Beginning December 15, 1983,

representatives from BIA and members of the technical contractor's project team met with local, state and federal representatives to encourage input into the DEIS. Contacts with tribal government were maintained throughout preparation of the DEIS.

The DEIS has been distributed and is available for public inspection at: (1) Public libraries in Phoenix, Tucson, Sells, and Green Valley; (2) Tribal offices in Sells and San Xavier; (3) BIA Offices in Phoenix and Sells, and (4) Pima County Planning Offices. All comments received within the 45 day comment period will be considered in preparation of the Final Environmental Impact Statement for this proposed action.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: July 1, 1986.

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

[FR Doc. 86-15194 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[NV-030-06-4212-24; N-43232]

Airport Lease Applications; Nevada

June 25, 1986.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Stoddard and Jewel Jacobsen, Trustees of the Jacobsen Family Trust, have applied for an airport lease for the following land:

Mount Diablo Meridian

T. 13 N., R. 21 E.,

Sec. 33, W1/2SE1/4.

The area described is located in Douglas County, Nevada. The application was filed on January 21, 1986, and on that date the land was segregated from all other forms of appropriation under the public land laws.

For a period of 45 days from the date of this notice, interested persons may submit comments to the District Manager, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, NV 89701.

Norman L. Murray,

Acting District Manager.

[FR Doc. 86-15146 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-HC-M

[A-21929]

Realty Action; Lease or Conveyance of Public Lands for Recreation and Public Purpose; Arizona

The following public lands, near the city of Tucson, Pima County, Arizona have been found suitable for lease or conveyance to the Tucson Water Company for use as a raw water storage reservoir and treatment facility, and will be so classified under the Recreation and Public Purpose Act, as amended (43 U.S.C. 869 seq.)

Gila & Salt River Meridian

T. 14 S., R. 12 E.,

Sec. 35: NE1/4SE1/4NW1/4.

Containing 10.00 acres.

The lands are not needed for federal purposes. Through the environmental assessment process it has been determined that the lease or conveyance of these lands would not affect any BLM programs and would be in the public interest.

The lease or conveyance, would be subject to the following conditions:

1. Provisions of the Recreation and Public Purpose Act and to all regulations of the Secretary of the Interior.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

3. A right-of-way for ditches and canals constructed by the authority of the United States.

4. Those rights for road purposes granted to the Pima County Board of Supervisors by Permit No. AR-034166.

Upon publication of this notice in the Federal Register, these lands will be segregated from all forms of appropriation under the public lands laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Act. For a period of 45 days from the date of publication of notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of lands to the District Manager, Phoenix District, 2015 W. Deer Valley Road, Phoenix Arizona 85027. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice. Further information concerning this realty action can be obtained from the Phoenix Resource Area, Phoenix District (602-863-4464).

Dated: June 24, 1986.

Marlyn V. Jones,

District Manager.

[FR Doc. 86-15147 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-32-M

[NM-040-06-4212-14]; NM 58571-OK and NM 59499-OK]

Public Lands Sale in Ellis and Woodward Counties, OK

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Sale Notice.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2743, 43 U.S.C. 1701) at no less than the appraised fair market value:

Tract	Legal description	Acres plus accretions	Value
Ellis County (EL)			
EL-3	T. 17 N., R. 22 W., 1.M., Sec. 14; Lot 7	2.10	\$3,350.00
EL-4	T. 17 N., R. 22 W., 1.M., Sec. 14; Lot 8	2.71	3,600.00
Woodward County (WW)			
WW-1	T. 21 N., R. 17 W., 1.M., Sec. 30; NE1/4SW1/4	40.00	8,000.00
Total		44.81	15,150.00

The sale is for surface estate only and all minerals will be reserved to the U.S. Government. The sale will be held on Monday, September 15, 1986. The identified lands are completely surrounded by private lands, or due to location the private lands control access to the public lands. Therefore, a preference right will be granted to adjoining landowners to meet the high bid. Bidding procedures, specific patent reservations and other pertinent information concerning the sale are outlined in a sales brochure. The sales brochure is available upon request from the Oklahoma Resource Area Headquarters, 200 N.W. 5th Street, Room 548, Oklahoma City, OK 73102.

Comments: For a period of 45 days after the date of publication of this Notice in the Federal Register, interested parties may submit comments to the District Manager, Bureau of Land Management, 9522-H East 47th Place, Tulsa, Oklahoma, 74145. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any

objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Hans Sallani, Oklahoma Resource Area Headquarters, 405-231-5491.

Jim Sims,

District Manager.

[FR Doc. 86-15149 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-FB-M

[(NM-040-06-4212-14); NM 56613-OK and NM 49499-OK]

Public Land Sale in Latimer and Woodward Counties, OK

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Sale Notice.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2743, 43 U.S.C. 1701) at no less than the appraised fair market value:

Tract	Legal Description	Acres	Value
Latimer County (LT)			
LT-2 and LT-3	T. 6 N., R. 21 E., I.M., Sec. 31: NE 1/4 SW 1/4 and Lot 3	77.82	\$19,500.00
Woodward County (WW)			
WW-2	T. 24 N., R. 17 W., I.M., Sec. 1: SE 1/4 SE 1/4	40.00	12,000.00
WW-3	T. 24 N., R. 17 W., I.M., Sec. 12: NE 1/4 NE 1/4	40.00	\$12,000.00
Total		157.82	\$43,500.00

The sale is for surface estate only and all minerals will be reserved to the U.S. Government. The sale will be held on Monday, September 15, 1986. Bidding procedures, specific patent reservations and other pertinent information concerning the sale are outlined in a sales brochure. The sales brochure is available upon request from the Oklahoma Resource Area Headquarters, 200 NW, 5th Street, Room 548, Oklahoma City, OK 73102.

Comments: For a period of 45 days after the date of publication of this Notice in the Federal Register, interested parties may submit comments in writing to the District Manager, Bureau of Land Management, 9522-H East 47th Place, Tulsa, Oklahoma, 74145. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will

become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Hans Sallani, Oklahoma Resource Area Headquarters, telephone 405-231-5491.

Jim Sims,

District Manager.

[FR Doc. 86-15150 Filed 7-3-86; 8:45 am]

BILLING CODE 4310-FB-M

[WASH-02114, WASH-02850, WASH-03205, OR-22188 (WASH), OR-22372 (WASH), OR-22373 (WASH), OR-22374 (WASH), OR-22619 (WASH), OR-25898 (WASH)]

Washington; Proposed Continuation of Withdrawals

Correction

In the document beginning on page 22138 in the issue of Wednesday, June 18, 1986, make the following corrections:

1. On page 22139, in the first column, in the first complete paragraph, the last line should read "are not affected by this notice."; and
2. In the file line at the end of the document, the FR Document number should read "FR Doc. 86-13712".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275-6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance
Title of Form: Motor Carrier Policy Injury Liability & Property Damage Liability Surety Bond

OMB Form No.: 3120-0118

Agency Form No.: BMC-82

Frequency: On occasion

Respondents: Motor Carriers

No. of Respondents: 40

Total Burden Hrs.: 10

Type of Clearance: Extension

Bureau/Office: Office of Transportation Analysis

Title of Form: Transmittal Form, ICC

Waybill Sample

OMB Form No.: 3120-0065

Agency Form No.: OPAD-1 & 2

Frequency: Monthly/Quarterly

Respondents: Railroads

No. of Respondents: 75

Total Burden Hrs.: 450.

Noreta R. McGee,

Secretary.

[FR Doc. 86-15155 Filed 7-3-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30846]

John P. Wronowski; Common Control; Cross-Sound Ferry Services, Inc., Island Marine Corporation, and Nelsec Navigation Co., Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed common control of water carriers under 49 U.S.C. 11343.

SUMMARY: By application under 49 U.S.C. 11343, John P. Wronowski seeks approval of his common control of three water carriers, Cross-Sound Ferry Services, Inc. (CSF), Nelsec Navigation Co., Inc. (NNC), and Island Marine Corporation (IMC). Mr. Wronowski is presently President, Secretary, and owner of 100 percent of the voting stock of CSF. The application arises (1) from Mr. Wronowski's intent to exercise ultimate control of NNC, which is owned by his parents, and (2) the application for operating authority by IMC which is currently a non-carrier the voting stock of which is owned by Mr. Wronowski.

DATE: Comments are due August 21, 1986.

ADDRESSES: Send Comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and

(2) Petitioners' representatives: Eugene D. Gulland and Richard G. Slattery, Covington & Burling, 1201 Pennsylvania Ave., NW., P.O. Box 7566, Washington, DC 20044

Comments should refer to Finance Docket No. 30846.

FOR FURTHER INFORMATION CONTACT: Warren Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: CSF holds authority in No. W-1290 as a water common carrier of passenger and general commodities between New London, CT, and Orient Point, NY, and

between New London and Montauk, NY. John P. Wronowski's father, John H. Wronowski, and his mother, Anna Wronowski are respectively, President and Vice President/Secretary of NNC. Anna Wronowski owns 100 percent of the voting stock in NNC. NNC has authority in No. W-985 to provide water common carrier service for passengers and vehicles between New London, CT and Block Island, RI, and between Norwich, CT and Block Island.

John P. Wronowski's sisters, Susan Linda, Patricia Hewitt, and Mary Ellen Tyrseck are, respectively President, Vice President, and Secretary/Treasurer of IMC. John P. Wronowski owns 100% of the voting stock of IMC. IMC has an application pending in No. W-1448 seeking authority to transport passengers in excursion and charter operations between Orient Point, NY, on the one hand, and Block Island, RI; Mystic, CT; the Connecticut River, CT; and Newport, RI on the other.

The Commission's prior approval and authorization is required under 49 U.S.C. 11343 for (1) the proposed transfer of Anna Wronowski's NNC voting stock to John P. Wronowski, (2) his proposed exercise of ultimate managerial control over NNC in contemplation of his parents impending retirement, and (3) his control of IMC upon its becoming a new carrier regulated by the Commission.

Noreta R. McGee,
Secretary.

[FR Doc. 86-15156 Filed 7-3-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Proposed Consent Decree Pursuant to the Clean Water Act; Witco Corp.

In accordance with Department policy, 28 CFR 50.7, a notice is hereby given that on June 25, 1986, a proposed Consent Decree in *United States v. Witco Corporation*, Civil Action No. CV-F-86-022 REC was lodged with the United States District Court for the Eastern District of California.

The proposed Consent Decree requires the defendant to comply with the Clean Air Act and the asbestos NESHAP promulgated pursuant thereto. The Decree also imposes a requirement on the defendant to provide responsible officers and employees with copies thereof. The Decree further provides for the payment of a civil penalty by the defendant in the amount of \$32,000 to be paid within sixty days of the entry of the decree. With the exception of penalty

obligations, the decree terminates after two years.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Witco Corporation*, D.J. No. 90-5-2-1-881.

The proposed Consent Decree may be examined at the office of the United States Attorney, Federal Building, 1130 O Street, Room 4304, United States Courthouse, Fresno, California 93721; the Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105; and at the Environment Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to the case and Decree and enclose a check in the amount of \$0.80 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-15151 Filed 7-3-86; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 86-11]

Charles J. Burks, M.D. Pittsburgh, PA; Hearing

Notice is hereby given that on October 15, 1985, the Drug Enforcement Administration, Department of Justice, issued to Charles J. Burks, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on December 21, 1984, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Friday, July 18, 1986, in Courtroom No. 10, Room 309, U.S.

Claims Court, 717 Madison Place, NW., Washington, DC

Dated: June 20, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-15188 Filed 7-3-86; 8:45 am]

BILLING CODE 4410-09-M

Controlled Substances; Proposed Aggregate Production Quotas for Lysergic Acid Diethylamide and Methylenedioxymphetamine

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed 1986 Aggregate Production Quotas.

SUMMARY: This notice proposes 1986 Aggregate Production Quotas for lysergic acid diethylamide and methylenedioxymphetamine, both Schedule I controlled substances.

DATE: Comments or objections must be received on or before August 6, 1986.

ADDRESS: Send comments or objections to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attn: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act, (21 U.S.C. Section 826), requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

Recently, the Drug Enforcement Administration received manufacturing quota applications for lysergic acid methylpropylamide and methylenedioxymphetamine, both Schedule I controlled substances. These chemicals will be used in the preparation of analytical standards. Therefore, it is necessary to propose aggregate production quotas for lysergic acid diethylamide (LSD) and methylenedioxymphetamine. Lysergic acid methylpropylamide is an isomer of the basic class of controlled substance lysergic acid diethylamide.

The Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by section 306 of the Controlled

Substances Act of 1970 (21 U.S. Code, Section 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby proposes 1986 aggregate production quotas for the following controlled substances, expressed in grams of anhydrous base.

Basic class	Proposed 1986 aggregate production quotas
Schedule I	
Lysergic acid diethylamide	5
Methylenedioxymphetamine	2

All interested persons are invited to submit comments or objections in writing regarding this proposal. Comments and objections should be submitted to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative, and must be received by August 6, 1986. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by a notice in the **Federal Register** summarizing the issues to be heard and setting the time for the hearing.

Pursuant to section 3(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S. Code 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: June 12, 1986

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-15189 Filed 7-3-86; 8:45 am]

BILLING CODE 4410-09-M

Controlled Substances; Proposed Revised 1986 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed Revised 1986 Aggregate Production Quotas.

SUMMARY: This notice proposes revised 1986 aggregate production quotas for substances in Schedule II of the Controlled Substances Act. Since the establishment of the 1986 aggregate production quotas on December 27, 1985 (50 FR 53025), DEA has reviewed data submitted by registered manufacturers concerning 1985 dispositions and year-end inventories and has determined that revisions of some of the previously established quotas are necessary.

DATE: Comments or objections should be received on or before August 6, 1986.

ADDRESS: Send comments or objections to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Attn: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 63-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S. Code, section 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On December 27, 1985, a notice of the 1986 aggregate production quotas was published in the **Federal Register** (50 FR 53025). In that notice, it was indicated that pursuant to Title 21 of the Code of Federal Regulations, § 1303.13(c), the Administrator of the Drug Enforcement Administration would adjust these quotas in early 1986.

These aggregate production quotas represent those amounts of controlled substances that may be produced in the United States in 1986 and does not include amounts which may be imported for use in industrial processes.

Based on a review of 1985 year-end inventories, 1985 disposition data submitted by quota applicants, estimates of the medical needs of the United States submitted to the Drug Enforcement Administration by the Food and Drug Administration and other information available to DEA, the Administrator of the Drug Enforcement

Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S. Code section 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby proposes the following changes in the 1986 aggregate production quotas for the listed controlled substances, expressed in grams of anhydrous acid or base:

Schedule II	Previously established 1986 aggregate production quota	Proposed revised 1986 aggregate production quota
Amobarbital	1,743,000	850,000
Amphetamine	496,000	389,000
Codeine (for sale)	53,844,000	61,228,000
Codeine (for conversion)	3,657,000	4,287,000
Desoxyephedrine	1,300,000	1,355,000
1,355 grams for the production of levodesoxyephedrine for use in a noncontrolled, nonprescription product, and 0.0 grams for the production of methamphetamine.		
Dihydrocodeine	1,094,000	959,000
Diphenoxylate	600,000	526,000
Fentanyl	5,000	6,700
Hydrocodone	1,788,000	1,928,000
Hydromorphone	201,000	214,000
Meperidine	11,000,000	11,483,000
Methadone	1,459,000	1,690,000
Methadone Intermediate (4-Cyano-2-dimethylamino-4,4-diphenylbutane)	1,824,000	2,113,000
Methylphenidate	1,295,000	2,043,000
Morphine (for sale)	1,407,000	2,314,000
Morphine (for conversion)	57,575,000	61,911,000
Opium (tinctures, extracts, etc., expressed in terms of USP powdered opium)	1,705,000	1,592,000
Oxycodone (for sale)	1,966,000	2,581,000
Oxycodone (for conversion)	5,300	7,500
Oxymorphone	3,500	3,800
Pentobarbital	12,000,000	12,758,000
Secobarbital	2,064,000	1,401,000
Sufentanil	600	300

All interested persons are invited to submit their comments or objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above mentioned substances without filing comments or objections regarding the others. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by a notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to section 3(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the

meaning and intent of the Regulatory Flexibility Act, 5 U.S. Code 601 et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: June 9, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-15190 Filed 7-3-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Program; Minimum Populations Criteria

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration is accepting exceptional circumstances petitions for labor surplus area designations on the basis of the criteria in effect at the time of the determination, except that the minimum populations criterion shall be twenty-five thousand.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT:

William McGarrity. Telephone: 202-376-6191.

SUPPLEMENTARY INFORMATION: Pub. L. 99-272 section 18003(a) added Small Business Act section 15(n), which states that "the determination of labor surplus areas shall be made on the basis of the criteria in effect at the time of the determination, except that any minimum population criteria shall not exceed twenty-five thousand." 15 U.S.C. 644(n). The amendment is effective July 7, 1986. Pub. L. 99-272 section 18003(b). Previously, the minimum population criterion had been set, by regulation, at 50,000. 20 CFR 654.4(b).

Accordingly, effective July 7, 1986, the Employment and Training Administration is accepting exceptional circumstances petition (20 CFR 654.5(b)) submitted by appropriate State employment security agencies to classify as labor surplus areas: (1) Cities of 25,000 or more population on the basis of the most recently available Bureau of the Census estimates; or (2) towns and townships in the States of New Jersey, New York, Michigan, and

Pennsylvania of 25,000 population and which possess powers and functions similar to cities; or (3) all counties, except those counties which contain any of the types of jurisdictions defined in (1) and (2) above; or (4) all other counties are defined as "balance or county" (i.e., total county less component cities and townships identified in (1) and (2) above); or (5) county equivalents which are towns in the States of Massachusetts, Rhode Island, and Connecticut. All other criteria set forth in 20 CFR 654.5(b) remain unchanged.

A list of labor surplus areas is published annually. 20 CFR 654.7. The next classification of civil jurisdictions as labor surplus areas on that list will be made under the basic procedure (20 CFR 654.5(a)), using the 25,000 minimum population criterion mandated by Small Business Act § 15(n).

Signed at Washington, DC, this 30th day of June, 1986.

Roger D. Semerad,

Assistant Secretary for Employment and Training.

[FR Doc. 86-15352 Filed 7-3-86; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General Wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be

prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3504, Washington, D.C. 20210.

New General Wage Determination Decisions

The numbers of the decisions being added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume III:

Utah UT86-3..... pp. 293-297f.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the *Federal Register* are in parentheses following the decisions being modified.

Volume I:

Alabama

AL86-3 (Jan. 3, 1986)..... p. 6.
AL86-7 (Jan. 3, 1986)..... p. 15.
Connecticut CT86-1 (Jan. 3, 1986)..... pp. 64-66
pp. 68-69
pp. 72-74.

Florida:

FL86-13 (Jan. 3, 1986)..... p. 133.
FL86-17 (Jan. 3, 1986)..... p. 144.

Kentucky:

KY86-3 (Jan. 3, 1986)..... p. 270.
KY86-4 (Jan. 3, 1986)..... p. 273.
KY86-6 (Jan. 3, 1986)..... p. 285.
KY86-7 (Jan. 3, 1986)..... pp. 298-292.

Mississippi:

MS86-1 (Jan. 3, 1986)..... pp. 438-440.
MS86-21 (Jan. 3, 1986)..... p. 481.

New York: NY86-2 (Jan. 3, 1986)..... p. 645.

Pennsylvania:

PA86-4 (Jan. 3, 1986)..... p. 624.
PA86-6 (Jan. 3, 1986)..... p. 643.
PA86-14 (Jan. 3, 1986)..... p. 694.
PA86-21 (Jan. 3, 1986)..... p. 933.

Tennessee:

TN86-1 (Jan. 3, 1986)..... pp. 1015-1016.
TN86-14 (Jan. 3, 1986)..... p. 1048.

Volume II:

Iowa:

IA86-1 (Jan. 3, 1986)..... p. 24.
IA86-2 (Jan. 3, 1986)..... p. 29.
IA86-5 (Jan. 3, 1986)..... pp. 43, 47.

Indiana:

IN86-1 (Jan. 3, 1986)..... pp. 220, 221,
p. 223.
IN86-2 (Jan. 3, 1986)..... pp. 234-236
pp. 238-239.
IN86-3 (Jan. 3, 1986)..... pp. 251-254.
IN86-4 (Jan. 3, 1986)..... pp. 262-263
p. 265.

IN86-5 (Jan. 3, 1986)..... pp. 274-276.
IN86-6 (Jan. 3, 1986)..... p. 284
pp. 287-288
p. 290.

Kansas:

KS86-5 (Jan. 3, 1986)..... p. 325.
KS86-6 (Jan. 3, 1986)..... pp. 327-328.
KS86-9 (Jan. 3, 1986)..... pp. 342-343.

Louisiana: LA86-5 (Jan. 3, 1986)..... pp. 361, 363.

Missouri:

MO86-1 (Jan. 3, 1986)..... pp. 540-542
pp. 544-555.

MO86-2 (Jan. 3, 1986)..... p. 560.

MO86-8 (Jan. 3, 1986)..... p. 595.

MO86-9 (Jan. 3, 1986)..... p. 598.

MO86-11 (Jan. 3, 1986)..... p. 611.

New Mexico: NM86-1 (Jan. 3, 1986)..... pp. 639-640.

Oklahoma: OK86-14 (Jan. 3, 1986)..... p. 831.

Texas:

TX86-2 (Jan. 3, 1986)..... p. 845.

TX86-3 (Jan. 3, 1986)..... p. 849.

TX86-5 (Jan. 3, 1986)..... p. 854.

TX86-7 (Jan. 3, 1986)..... p. 862.

TX86-10 (Jan. 3, 1986)..... pp. 870-871.

TX86-18 (Jan. 3, 1986)..... p. 891.

Volume III:

Oregon: OR86-1 (Jan. 3, 1986)..... pp. 257, 259.

Utah:

UT86-1 (Jan. 3, 1986)..... pp. 282-290

UT86-2 (Jan. 3, 1986)..... pp. 291-292

Listing by Decision (index)..... p. xxviii

Listing by Location (index)..... p. xxv

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is \$277 per volume. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year,

regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 27 day of June 1986.

James L. Valin,

Assistant Administrator.

[FR Doc 86-14950 Filed 7-3-86; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-86-57-C]

White County Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

White County Coal Corporation, Route 1, P.O. Box 152, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Pattiki Mine (I.D. No. 11-02662) located in White County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to clean out and plug oil and gas wells using the following technique and procedures:

(a) The borehole would be cleaned out to a depth which will permit the placement of 200 feet of expanding cement below the base of the coal seam. Borehole casing would be removed where possible or if casing remains it would be perforated or ripped at intervals close enough to permit expanding cement slurry to infiltrate the annulus between the casing and the borehole;

(b) If the cleaned-out borehole produces gas, a mechanical bridge plug or a substantial brush plug would be set in the borehole. Plugs would also be used to isolate any hydrocarbon-producing stratum within 200 feet of the base;

(c) The wellbore would be completely filled with a gel to inhibit gas flow, support borehole walls, and densify the expanding cement;

(d) To plug oil or gas wells to the surface, at least 200 feet of expanding cement would be below the base of the lowest mineable coalbed, filling the borehole to the surface. A permanent magnetic monument would mark the borehole;

(e) To plug oil or gas wells using the vent pipe method, a 4½-inch vent pipe

would be run into the wellbore 100 feet below the coal seam. A cement plug would be set in the wellbore for a minimum of 200 feet below the coal seam and 100 feet above the top of the coal seam. Fluid would be evacuated and the top of the vent pipe would be covered;

(f) When plugging oil or gas wells for subsequent use as degasification boreholes, a cement plug would be set in the wellbore 200 feet below the coal seam with the top extending above the top of the coalbed height being mined, the distance dependent on the average height of the roof strata breakage for the mine. Degasification casing would be used for methane drainage and would be fitted with an equipped wellhead.

3. After plugging, petitioner proposes to mine through the plugged oil or gas well. Prior to mining through, the petitioner would confer with the MSHA District Manager to review and gain approval of the specific mining procedure. All mining would be done under the direct supervision of a certified official. In addition:

(a) Drivage sites would be installed; firefighting equipment, roof support supplies, and ventilation materials, would be available;

(b) The quantity of air would be not less than 9000 ft³/min to ventilate the face;

(c) Equipment would be checked for permissibility and serviced prior to mining through the well. The working place would be free from accumulations of coal dust and coal spillages and rock-dust to within 20 feet of the face;

(d) Methane monitor would be calibrated prior to the shift and tests would be made during mining approximately every 10 minutes; and

(e) When the wellbore is intersected, all equipment would be de-energized and the place examined and determined safe before mining would continue. Any casing would be removed and no open flame would be permitted in the area until adequate ventilation is established around the area of the wellbore.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before

August 6, 1986. Copies of the petition are available for inspection at that address.

Dated: June 23, 1986.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 86-15211 Filed 7-3-86; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under section 1-5 of Executive Order 12196 of February 26, 1980, published in the *Federal Register*, February 27, 1980 (45 FR 12769), will meet on July 23, 1986, starting at 10:00 a.m. in Room N3437 ABCD, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC. The meeting will be open to the public.

The agenda provides for:

- I. Call to Order
- II. Election of Vice Chairman
- III. Introduction of New Members
- IV. Report of Ad Hoc Committee on Hazard Communications
- V. Proposed changes to Articles of Organization
- VI. Union's request that union representatives be included in all OSHA/Agency/abatement discussions
- VII. 41st Annual Federal Safety and Health Conference
- VIII. Revision of Subpart I, 29 CFR 1900 and 2014 Publication
- IX. Discussion of Subcommittee on Occupational Health Mission and Function Statement
- X. 1985 President's Safety and Health Award Winners
- XI. New Business
- XII. Adjournment.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business July 18, 1986, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business July 18, 1986. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a

short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Frances Perkins Building, 200 Constitution Avenue, NW., Room N3613, Washington, DC 20210, telephone (202) 523-9329.

Signed at Washington, DC, this 1st day of July 1986.

John A. Pendergrass,

Assistant Secretary.

[FR Doc. 86-15212 Filed 7-3-86; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

Southern California Edison Co. and San Diego Gas & Electric Co. (San Onofre Nuclear Generating Station, Unit No. 1); Exemption

I.

The Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) (the licensees) are the holders of Provisional Operating License No. DPR-13, which authorizes operation of the San Onofre Nuclear Generating Station, Unit No. 1, the facility. The license provides, among other things, that the facility is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized water reactor located in San Diego County, California.

II.

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR Part regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R become effective on February 17, 1981. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. Subsection III.G.2 and III.G.3 dealing with maintaining one train of a redundant system free of fire damage and alternative or dedicated shutdown capability are the specific area of the regulation where exemptions are requested by the licensees.

III.

By letter dated October 4, 1985, the licensees requested exemptions from

section III.G of Appendix R. Subsequently, on November 14 and 15, 1985, a meeting was held between the NRC and the licensees in Bethesda, Maryland, for the purpose of reviewing the Appendix R exemption requests. By letter dated December 10, 1985, the NRC requested additional information from SCE. In response to this request and to issues raised during the November meeting, the licensees submitted, by letters dated December 31, 1985, and April 23, 1986, exemption requests and responses to NRC questions. By letter dated May 12, 1986, the licensees submitted the "special circumstances" finding required by 10 CFR 50.12(a), (see 50 FR 50764). Finally, by letter dated May 30, 1986, a group of seven exemption requests were submitted to NRC which became necessary after a fire protection audit was conducted from May 19th through May 23rd 1986. Two of these were revisions of previously requested exemptions.

There are technical exemption requests for fifteen fire areas/zones which we have found acceptable. The details of our review are contained in the staff's related Safety Evaluation as published below. The fire area/zone numbering system used below corresponds to that used in the licensees' submittals and in our Safety Evaluation.

In regard to 10 CFR 50.12(a), the licensees stated in their letter of May 12, 1986:

Also, implementing additional modifications to provide fire detection systems, fixed suppression systems and independence in these fire areas/zones would result in an unnecessary burden upon SCE for the following reasons:

1. The capital cost associated with engineering and installation of additional fire protection modifications.

2. The operational costs associated with the increased surveillance and maintenance on the additional fire protection equipment.

3. The additional engineering analysis and possible resulting modifications involved in the potential impact of spurious operation or rupture of fire suppression systems on safety related equipment and normal operations.

Based upon the above discussion, SCE has determined that the costs associated with compliance in these fire area/zones are not commensurate with the resulting improvement in the ability to safely shutdown the plant after a fire and are in excess of those required to meet the underlying purpose of the rule. Therefore, the submitted requests for exemption meet the requirements of 10 CFR 50.12 paragraph (a)(2)(ii) in that special circumstances are present. Further, it is concluded that the granting of these exemptions would not present an undue risk to the public health and safety, and are consistent with the common defense and security.

The staff concludes that "special circumstances" exist for the licensees'

requested exemption in that application of the regulation in this particular circumstances is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50. See 10 CFR 50.12(a)(2)(ii).

The fifteen areas/zones and the sections of Appendix R for which exemptions are requested are:

Section III.G.3

Reactor Auxiliary Building, Lower Level [Fire Zone 1-AB-(3)-2A]
Reactor Coolant Filter Enclosure [Fire Zone 1-AB-20-2N]
East Penetration Area [Fire Zone 1-YD-20-4A]
West Penetration Area [Fire Zone 1-YD-20-4B]
Yard Area [Fire Zone 1-YD-14-4D]
Circulating Water Pump Well [Fire Zone 1-YD-(7)-4E]
Turbine Building, Ground Floor [Fire Zone 1-TB-8-9A]
Turbine Deck [Fire Zone 1-TB-35-9B]
Control Room Complex [Fire Zone 1-PB-42-16]
Power Block Roof [Fire Zone 1-PB-56-33]
Containment [Fire Zone 1-CO-(10)-1]

Section III.G.2.b

Doghouse [Fire Zone 1-YD-20-4C]
Condensate Storage Tank Area [Fire Zone 1-YD-14-4F]
Main Transformer Area [Fire Zone 1-TB-20-9D]
Ramp Area [Fire Zone 1-TB-14-9E]

Exemption Requested

Exemptions were requested for ten areas/zones from section III.G.3 to the extent that it requires installation of fire detection and fixed fire suppression systems in the areas for which an alternative shutdown or dedicated shutdown capability is provided.

Based on section 2.0 of the Safety Evaluation published below, we conclude that the existing fire protection features in conjunction with the proposed modifications and the availability/independence of the dedicated or alternative shutdown capabilities for the above described fire areas/zones provide an adequate level of protection equivalent to the technical requirements of section III.G.3 of Appendix R. Therefore, the above ten exemptions are granted.

Exemption Requested

In addition, there is a single technical exemption request for a fire area inside containment for Fire Area 1-CO-(10)-1. This exemption was requested from section III.G.3 to the extent that it requires installation of full area fire detection and fixed fire suppression systems in the areas for which a

dedicated shutdown capability is provided. An exemption was requested to the extent that the instruments providing indication at the dedicated shutdown panel and the dedicated shutdown pressurizer heater cables at the pressurizer are not independent of the fire area under consideration.

Based on section 3.0 of our Safety Evaluation, we conclude that the existing and committed fire protection features combined with the dedicated shutdown capability provide a level of protection equivalent to the technical requirements of section III.G.3 of Appendix R. Therefore, the exemption is granted for Fire Area 1-CO-(10)-1.

Exemption Requested

Exemptions were requested for four areas/zones from section III.G.2 to the extent that it requires the separation of redundant safe shutdown components by a horizontal distance of more than 20 feet with no intervening combustibles, and automatic fire detection and fire suppression systems.

Based on section 4.0 of our Safety Evaluation, we conclude that the existing fire protection features provide an adequate level of protection equivalent to the technical requirements of section III.G.2 of Appendix R for these areas. Therefore, these exemptions are granted.

IV.

Accordingly, the Commission has determined pursuant to 10 CFR 50.12(a), that (1) these exemptions as described in section III are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) special circumstances are present for these exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50. Therefore, the Commission hereby grants the exemption requests identified in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (51 FR 18521, May 20, 1986) and (51 FR 21429, June 12, 1986).

The licensees' requests dated October 4 and December 31, 1985, April 23, May 12 and May 30, 1986 and the staff's contractor's technical evaluation report dated April 23, 1986 are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the

Main Library, University of California at Irvine, Irvine, California 92713.

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 27th day of June 1986.

Steven A. Varga,

Acting Director, Division of PWR Licensing—A.

Safety Evaluation by the Office of Nuclear Reactor Regulation, Related to Exemptions from Appendix R to 10 CFR Part 50, Southern California Edison Company, San Diego Gas and Electric Company, San Onofre Nuclear Generating Station, Unit 1

[Docket No. 50-206]

1.0 Introduction

By letter dated October 4, 1985, Southern California Edison Company (the licensee) requested exemptions from the technical requirements of section III.G of Appendix R to 10 CFR 50 for San Onofre Nuclear Generating Station, Unit 1 (SONGS 1). The staff met with the licensee on November 14, and 15, 1985 to review the exemption requests and by letter dated December 10, 1985, requested additional information. By letter dated December 31, 1985, the licensee responded to the staff's request for additional information and submitted revised exemption requests. The staff and its contractor, Franklin Research Center (FRC), visited the plant site on January 13, 1986 to review the revised exemption requests. By letter dated April 23, 1986, the licensee provided additional information and resubmitted two revised exemption requests.

A region based Appendix R inspection of SONGS 1 was conducted during the week of May 19 through 23, 1986. During the inspection, the NRC inspection team identified five additional fire zones that did not meet the technical requirements of section III.G of Appendix R to 10 CFR 50. By letter dated May 30, 1986, the licensee requested additional exemptions for these fire zones, and resubmitted one revised exemption request.

This safety evaluation is based, in part, on a technical evaluation report (TER) dated April 23, 1986, prepared by FRC. This safety evaluation is in agreement with the conclusions reached in the FRC TER.

In addition to the aforementioned licensee submittals and the FRC TER, the staff used the following documents in its review of the licensee's exemption requests: Fire Protection Safety Evaluation Report for SONGS 1, dated July 19, 1979; Safety Evaluation Report

for SONGS 1 addressing compliance with Appendix R to 10 CFR 50, sections III.G.3 and III.L, dated May 7, 1986, Updated Fire Hazards Analysis for San Onofre Nuclear Generating Station, Units, 1, 2, and 3, Revision 1, dated January 1985; and San Onofre Nuclear Generating Station, Unit 1, 10 CFR 50 Appendix R, section III.G Compliance Evaluation, dated September 1985. Moreover, during the Appendix R inspection, the staff walked down each of the fire zones and areas for which the licensee requested an exemption to verify the evaluations and conclusions contained in this report.

Section III.G.1 of Appendix R to 10 CFR 50 requires that fire protection features be provided for structures, systems, and components important to safe shutdown. These features are required to be capable of limiting fire damage so that:

- One train of systems necessary to achieve and maintain hot standby from either the control room or emergency control station(s) is free of fire damage; and
- Systems necessary to achieve and maintain cold shutdown from either the control room or emergency control station(s) can be repaired within 72 hours.

Section III.G.2 of Appendix R to CFR 50 requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

- Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour fire resistance rating. Structural steel forming a part of or supporting such fire barriers is required to be protected to provide fire resistance equivalent to that required of the barrier;
- Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system are required to be installed in the fire area;
- Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour fire rating. In addition, fire detectors and an automatic fire suppression system are required to be installed in the fire area.

If these requirements are not satisfied, section III.G.3 requires that alternative or dedicated shutdown capability independent of the area, room, or zone under consideration be provided. It also requires that a fire detection and a fixed

fire suppression system be installed in the area, room, or zone under consideration.

Because it is not possible to predict the specific conditions under which fires may occur and propagate, design basis protective features are specified in the rule. Plant specific features may require protection different than the measures specified in section III.G. In such a case, the licensee must demonstrate, by means of a detailed fire hazards analysis, that existing protection or existing protection in conjunction with proposed modifications will provide a level of safety equivalent to the technical requirements of section III.G of Appendix R.

In summary, section III.G is related to fire protection features for ensuring that systems and associated circuits used to achieve and maintain safe shutdown are free of fire damage. Fire protection configurations must either meet the specific requirements of section III.G of Appendix R to 10 CFR 50 or alternative fire protection configurations must be justified by a fire hazards analysis.

The staff's general criteria for accepting alternative fire protection configurations are:

- The alternative assures that one train of equipment necessary to achieve hot standby from either the control room or emergency control stations is free of fire damage.
- The alternative assures that fire damage to at least one train of equipment necessary to achieve cold shutdown is limited such that it can be repaired within a reasonable time.
- Modifications required to meet section III.G would not increase the level of fire protection safety above that provided by either existing or proposed alternatives.
- Modifications required to meet section III.G could be detrimental to overall facility safety.

2.0 Reactor Auxiliary Building Lower Level (Fire Zone 1-AB-(3)-2A)

Reactor Coolant Filter Enclosure (Fire Zone 1-AB-20-2N)
East Penetration Area (Fire Zone 1-YD-20-4A)
West Penetration Area (Fire Zone 1-YD-20-4B)
Yard Area (Fire Zone 1-YD-14-4D)
Circulating Water Pump Well (Fire Zone 1-YD-(7)-4E)
Turbine Building Ground Floor (Fire Zone 1-TB-8-9A)
Turbine Deck (Fire Zone 1-TB-35-9B)
Control Room Complex (Fire Area 1-PB-42-16)

Power Block Roof (Fire Area 1-PB-56-33)

2.1 Exemption Requested

The licensee requested exemptions from the technical requirements of section III.G.3 of Appendix R to 10 CFR 50 to the extent that it requires the installation of fire detection and fixed fire suppression systems in areas and zones for which an alternative or dedicated shutdown capability has been provided.

2.2 Discussion

Fire area 1-AB-(-3)-2 consists of ten fire zones in the reactor auxiliary building including fire zones 1-AB-(-3)-2A and 1-AB-20-2N.

Fire zone 1-AB-(-3)-2A consists of the boric acid injection pump room and the lower level of the reactor building, which contains the charging pump room, radwaste processing rooms, and the radwaste tank rooms. Below grade, the wall separating this zone from the pipe tunnel (fire area 1-AB-11-34) is 3-hour fire rated. Other below grade walls are 18-inch thick reinforced concrete. The ceiling is a 21-inch-thick precast concrete slab. The above grade walls are either 3-hour fire rated, 8-inch-thick filled concrete block, or 24-inch-thick reinforced concrete. A non-fire rated door assembly separates the boric acid injection pump room from the yard area. The ventilation penetrations to the yard area and waste baling room are not equipped with fire dampers.

The safe shutdown components located in this zone include the redundant charging pumps and refueling water storage tank (RSWT) isolation valves, motor control center 2A, and associated power and control cables. If a fire in this zone disables the redundant charging pumps, alternative shutdown capability is provided by the safety injection system (SIS). The SIS is physically and electrically independent of fire area 1-AB-(-3)-2.

The fuel load of cable insulation, plastics, Class A materials, and charging pump lube oil yields an equivalent fire severity of less than 5 minutes on the ASTM E-119 standard time-temperature curve.

Existing fire protection includes fire extinguishers and hose stations and smoke detectors for the charging pump room, motor control center 2A, radwaste control board, radwaste tank rooms, and the boric acid injection pump room. The licensee proposes to install a sprinkler system in the charging pump room.

Fire zone 1-AB-20-2N is the reactor coolant filter enclosure. The floor, walls, and ceiling are constructed of reinforced concrete. There are several small floor

and wall penetrations as described in the licensee's May 30, 1986 letter. The west wall has a 2-ft by 9-ft opening with a locked gate that serves as an entrance to the yard area. This zone is not equipped with fire detectors or an automatic fire suppression system.

Fire zone 1-AB-20-2N contains redundant components associated with the charging pump RSWT suction isolation valves, volume control tank isolation valve, and charging pump trip signal. Due to the lack of separation of the redundant components noted, alternative shutdown capability is also provided for this fire zone by the SIS.

The in situ combustible loading in fire zone 1-AB-20-2N yields an equivalent fire severity of less than 10 minutes on the ASTM E-119 standard time temperature curve.

Fire area 1-YD-20-4 is the yard area. This area consists of seven fire zones including fire zones 1-YD-20-4A, 1-YD-20-4B, 1-YD-14-4D, and 1-YD-(-7)-4E, which are all exterior fire zones that comprise the east penetration area, the west penetration area, the yard area, and the circulating water pump well, respectively.

The east and west penetration areas (fire zones 1-YD-20-4A and 1-YD-20-4B) are bounded by the steel containment sphere, the enclosure building, the turbine building, and the power block (east penetration area) or the fuel handling building (west penetration area). The yard area (fire zone 1-YD-14-4D) consists of the yard surrounding the sphere enclosure building, and the area west of the fuel and turbine buildings. This zone is bounded by the vital area fence and is separated from the 480V switchgear room by a 1-hour fire rated wall, the west penetration area by the enclosure building, and the resin slurry tank room by a concrete block wall. The circulating water pump well (fire zone 1-YD-(-7)-4E) is located below grade in the yard area west of the turbine building. The nonfire rated penetrations in the zone boundaries are as described in the licensee's December 31, 1985 submittal.

The east and west penetration areas contain cables for the following systems used to achieve hot standby and cold shutdown:

- Reactor Coolant System (RCS)
- Chemical and Volume Control System (CVCS)
- Main Steam System (MSS)
- Auxiliary Feedwater System (AFW)
- Component Cooling Water System (CCW)
- Containment Ventilation System (CVS)
- Gaseous Nitrogen System (GNI)

- Residual Heat Removal System (RHR)

- Essential Electrical System

The dedicated shutdown system will be used to achieve and maintain safe shutdown in the event of a fire in either the east and west penetration areas. Cables for certain components of the dedicated shutdown system, i.e., primary system temperature transmitters, PORVs, pressurizer pressure transmitter, pressurizer level transmitter, and steam generator level transmitters, are routed through the west penetration area. The licensee proposes to protect these cables with a 3-hour fire rated barrier. Cables for the primary system hot leg temperature instruments, which provide indication at the dedicated shutdown panel, are routed through the east penetration area. The licensee proposes to abandon these cables and route new cables independent of the zone to the dedicated shutdown system panel.

The yard area (fire zone 1-YD-14-4D) contains components of the RCS, CVCS, AFW, MSS, CCW, saltwater cooling system (SWC), GNI, and essential electrical system used to achieve hot standby and cold shutdown. The licensee proposes to reroute cables for the train 1 charging pump to achieve a separation of greater than 20 feet between redundant charging pump cables. The licensee also proposes to reroute power circuits for one AFW pump and to either reroute control circuits for the pump or provide a new disconnect switch to allow manual start of the pump from a separate fire area.

The three CCW pumps are located adjacent to one another. Should a fire damage all three pumps, the motor driven AFW pump, which is separated from the CCW pumps by greater than 100 feet, including 20 feet free of intervening combustibles, will be used to provide alternative shutdown capability. In addition, cables for the redundant saltwater cooling pumps could be damaged by the fire. In this case, the auxiliary saltwater cooling pump, which is located over 100 feet from the saltwater cooling pump circuits, will be used to provide alternative shutdown capability.

Circuits associated with seal water return and letdown isolation valves CV-528 and CV-526 are routed through this fire zone west of the fuel handling building and into the west penetration area. Redundant seal water return and letdown isolation valves CV-527 and CV-525 are located in fire zone 1-YD-20-4A greater than 40 feet away from the circuits for CV-528 and CV-526 in

fire zone 1-YD-20-4A and 1-YD-20-4B without intervening combustibles.

The circulating water pump well (fire zone 1-YD-(7)-4E) contains the saltwater cooling pumps and associated cables which are used to achieve safe shutdown. Alternative shutdown capability is provided by auxiliary saltwater pump G-13C which is located more than 100 feet from the zone boundary.

Existing fire protection for these zones includes hose stations and fire extinguishers. In addition, fire detection has been provided for the enclosure building, the east entrance to fire zones 1-YD-20-4A and 1-YD-20-4B, and the station service transformers. Fire suppression systems are provided for the station service transformers and for cable trays that pass through the west boundary of fire zone 1-YD-20-4B into the adjacent yard area (fire zone 1-YD-14-4D).

Other fire protection features include curbing to contain oil spills at the transformers, fire barriers for selected cables, and spatial separation between components located in open yard areas.

The turbine building ground floor (fire zone 1-TB-8-9A) is separated from the 4160V switchgear room by a 3-hour fire rated wall. The lube oil storage shed walls are also 3-hour fire rated. The walls adjoining the east and west penetration areas and the east and south walls of the 480V switchgear room are 1-hour fire rated. The remaining zone walls are concrete block or reinforced concrete. Nonfire rated doors open to the yard area (fire zone 1-YD-14-4D). Three-hour fire doors are installed in the 4160V and 480V switchgear rooms, and the lube oil storage shed. A 1½-hour rated door and a nonfire rated door open to the adjacent condensate storage tank area (fire zone 1-YD-14-4F).

The in situ combustible loading in the turbine building ground floor, which consists primarily of turbine lube oil, cable insulation and the hydrogen seal oil unit, yields an equivalent fire severity of about 85 minutes on the ASTM E-119 standard time-temperature curve.

The turbine building ground floor contains the auxiliary feedwater pumps, motor control center 3, and cabling for the RCS, CVCS, MSS, AFW, CCW, SWC, RHR, reactor cavity cooling fans, and essential electric systems used to achieve hot standby and cold shutdown. In the event of a fire in this zone, the dedicated shutdown system will be used to achieve and maintain safe plant shutdown.

Existing fire protection consists of portable fire extinguishers, fire hose

stations, fire detection systems for the lube oil reservoir pump and conditioner areas, the hydrogen seal oil unit, emergency air compressor, the lowest cable trays above the lube oil reservoir area, the lube oil reservoir area, and the south end of building in the area of the exciter, and fixed automatic fire suppression systems for the chemical feed area, chemical treatment area, the east wall and a portion of the south wall of the 480V switchgear room, the north wall of the chemical treatment area, and the structural steel at north end of the fire zone, lube oil reservoir and conditioner areas, cable trays routed in the north portion of the zone near the lube oil and chemical feed areas, and the hydrogen seal oil unit.

Fire zone 1-TB-35-9B (the turbine deck) is an exterior fire zone which consists of the feedwater heater deck (elevation 35 ft.) and the turbine deck (elevation 42 ft.). The walls separating this zone from the control room complex are 3-hour fire rated. The north end of this zone adjoins the steel containment sphere. The remaining walls are reinforced concrete or concrete block. The floor is reinforced concrete. Unsealed opening in the zone boundaries are as described in the referenced licensee submittals. The fuel load in this zone is negligible.

Circuits for hot leg temperature and pressurizer pressure indication used to achieve and maintain safe shutdown are routed in this zone. Should a fire occur on the turbine deck, alternative hot leg temperature indication and pressurizer pressure indication are provided at the dedicated shutdown panel independent of the fire zone.

Existing fire protection consists of portable fire extinguishers and fire hose stations. Smoke detectors and automatic fire suppression are not installed in the zone.

Fire area 1-PB-42-16 (the control room complex) is located at the 42 ft. elevation of the power block building. The control room walls and floor are 3-hour fire rated. The control room roof is concrete with an approximate thickness of seven inches. There are no unsealed openings located in the control room boundary. Fire area 1-PB-56-33 (power block roof) is located directly over the control room complex and is open to the atmosphere.

The fire load in the control room is about 80,000 Btu per square foot, which translates into an equivalent fire severity of 60 minutes on the ASTM E-119 standard time-temperature curve. The fire load on the power block roof is negligible.

The control room complex contains the control consoles, vital bus cabinets,

and cabling for all safe shutdown systems. Redundant trains of the primary system hot leg temperature transmitters are located on the power block roof.

Dedicated safe shutdown capability is provided for the control room. Alternative hot leg temperature indication is available in both the control room and at the dedicated shutdown panel in the event of a fire on the power block roof.

Fire protection for the control room consists of fire detection in the technical support center, back panel area, the kitchen, computer room, and within the vital bus and main control console; fire extinguishers; and hose stations. The power block roof area only has a fire extinguisher.

2.3 Evaluation

The technical requirements of section III.G.3 of Appendix R to 10 CFR 50 are not met in these fire areas and zones because fire detection and fixed fire suppression systems have not been installed throughout the area or zone for which an alternative or dedicated shutdown capability has been provided.

The staff was concerned that a fire in any of the subject fire areas or zones would damage redundant safe shutdown components such that safe shutdown could not be achieved or maintained. However, with the exception of fire zone 1-TB-8-9A (turbine building ground floor) and fire area 1-PB-42-16 (control room), the fire loads are low (less than 35,000 Btu per square foot) and are well distributed. Therefore, in the staff's judgement a fire of significant magnitude or duration would not occur. If a fire were to occur, the staff has reasonable assurance that it would be detected by existing partial coverage fire detection systems or plant operators and extinguished by the plant fire brigade using available equipment or burn itself out before spreading beyond the area/zone boundaries and/or damaging redundant shutdown components. If rapid fire growth occurs in an area equipped with a partial sprinkler system prior to brigade arrival, the staff expects the automatic sprinklers to operate and control or extinguish the fire. Moreover, the existing and proposed fire barriers, containment dikes, and spatial separation would provide passive protection and would restrict fire spread and/or prevent damage by direct flame impingement and radiant heat energy. For those zones and areas that are not enclosed, the effects of the fire will largely vent to atmosphere.

In the case of Fire Area 1-TB-8-9A, all of the principal fire hazards are protected by automatic fire detection and suppression systems. Therefore, in the event of a fire, it would be detected during its early stages and controlled or extinguished by the fire suppression systems before redundant components are damaged.

The control room (Fire Area 1-PB-42-16) is continuously manned and has partial automatic fire detection capability. Therefore, the staff has reasonable assurance that any fire would be readily detected during its incipient stages. Moreover, because the control room is completely accessible and fire fighting equipment is available, the staff has reasonable assurance that a fire would be extinguished by plant operators before significant fire damage occurs.

Furthermore, should a fire damage redundant safe shutdown system components in fire zone 1-YD-20-4A, 1-YD-20-4B, or 1-TB-8-9A, or fire area 1-PB-42-16 or 1-PB-56-33, the dedicated safe shutdown system can be used to achieve and maintain safe plant shutdown. In the event of fire damage to redundant components in fire zone 1-AB-(3)-2A, 1-AB-20-2N, 1-YD-14-4D, 1-YD-(7)-4E, or 1-TB-35-9B, the alternative shutdown capability can be used to achieve and maintain safe shutdown. In the staff's opinion, the installation of additional automatic fire detection and suppression capabilities would not significantly increase the level of safety provided by the existing and proposed systems.

2.4 Conclusion

On the basis of its evaluation, the staff has concluded that the existing level of fire protection with the proposed modifications for fire zones 1-AB-(3)-2A, 1-AB-20-2N, 1-YD-20-4A, 1-YD-20-4B, 1-YD-14-4D, 1-YD-(7)-4E, 1-TB-8-9A, and 1-TB-35-9B and fire areas 1-PB-42-16 and 1-PB-56-33 provides an adequate level of fire safety. The licensee's requests for exemptions from the technical requirements of section III.G.3 of Appendix R to 10 CFR 50 in these fire areas and zones should, therefore, be granted.

3.0 Containment (Fire Area 1-CO-(10)-1)

The licensee requested an exemption from the technical requirements of section III.G.3 of Appendix R to 10 CFR 50 to the extent that it requires the installation of fire detection and fixed fire suppression systems in an area for which dedicated shutdown capability has been provided, and to the extent that it requires that the dedicated

shutdown capability be independent of the area for which it has been provided.

3.2 Discussion

The containment fire area is a steel sphere that houses the reactor, the steam generators, the reactor coolant pumps, the residual heat removal pumps, and other support systems. Components of the reactor coolant, chemical and volume control, main steam, component cooling water, and containment ventilation systems, which are used to achieve hot standby, are located within containment.

The separation and/or fire protection of the redundant primary system temperature, pressurizer level and pressure and steam generator level instruments, and associated cables does not meet the technical requirements of section III.G.2 of Appendix R to 10 CFR 50. Therefore, the licensee has provided a dedicated safe shutdown capability for the containment. However, pressurizer pressure and level, steam generator level and primary temperature instruments and their associated cables, which are required to provide indication at the dedicated safe shutdown panel, are not independent of the containment fire area. The cables for these instruments are all mineral insulated unshielded fire resistant cable. Inside containment, these dedicated shutdown system cables are protected by radiant energy shields in the vicinity of the penetration boxes where transitions from the penetration boxes to the conduit runs occurs.

The instruments that provide indication for pressurizer pressure and level at the dedicated shutdown panel are located in a single steel cabinet. This cabinet, which is located outside the bioshield wall, forms a radiant energy shield that separates these instruments from the redundant pressurizer pressure and level instruments located in adjacent cabinets.

Only one steam generator is required to achieve shutdown. Therefore, in the event of a fire in containment, the primary temperature instruments and the steam generator level instruments for only one loop must survive the fire. The three sets of instruments that provide indication of primary system temperature and steam generator level at the dedicated shutdown panel are located within the individual reinforced concrete structures that house the steam generators.

The in situ combustible loading inside containment, which consists principally of oil and grease for the three reactor coolant pumps, cable insulation, and charcoal contained in the containment ventilation units, yields an equivalent

fire severity of about 20 minutes on the ASTM E-119 standard time-temperature curve.

Existing fire protection includes ionization type smoke detectors installed over each steam generator, in the electrical penetration area, over each of the reactor coolant pumps, and under the pressurizer, and infrared flame detectors on the crane rails above the operating floor and in the residual heat removal pump area, fire hose stations, and fire extinguishers. In addition, each reactor coolant pump is equipped with an oil collection system in accordance with section III.O. of Appendix R to 10 CFR 50.

3.3 Evaluation

The technical requirements of section III.G.3 of Appendix R to 10 CFR 50 are not met in this fire area because fire detection and fixed fire suppression systems have not been installed throughout the area and because certain instruments required to provide indication at the dedicated safe shutdown panel are not independent of the fire area.

The staff was concerned that a fire in the containment would damage redundant safe shutdown components resulting in loss of safe shutdown capability. However, because the combustible loading in the area is low (about 24,000 Btu per square foot), because each reactor coolant pump is equipped with an oil collection system, and because the charcoal component of the overall fuel load is totally contained within the metal filter enclosures, the staff does not expect a fire of significant magnitude or duration to occur. Moreover, because automatic fire detection has been provided for the principal fire hazards, the staff has reasonable assurance that anticipated fires will be detected in their early stages by these systems. Plant operators could then take appropriate action to minimize the impact of the fire. The safe shutdown-related equipment in this area consists primarily of metal components, valves, and piping which are not prone to damage from fires anticipated for this area. Therefore, the staff does not expect a fire in this area to adversely affect normal safe shutdown from the control room.

In the unlikely event that fire damages components required to achieve safe shutdown from the control room before it is extinguished or burns itself out, the dedicated safe shutdown system is available to achieve and maintain safe shutdown. However, the dedicated safe shutdown system is not completely independent of the fire area.

The pressurizer pressure and level instruments, the steam generator level instruments and the primary temperature instruments, including 18" lengths of non-fire rated cable between splice boxes and the temperature elements, are well separated by distance, radiant energy shields, and major structural components within containment, e.g., the concrete steam generator enclosures. Therefore, although the instruments are not independent of the area as required by section III.G.3 of Appendix R of 10 CFR 50, the staff has reasonable assurance that the required number of instruments will function during and after a containment fire. The staff was, however, concerned about the use of a mineral insulated fire resistant cable for these instruments in lieu of a more conventional fire-rated cable wrap.

The staff concern was that, when exposed to a fire, the mineral insulated cables would not perform their intended functions both during and after the fire exposure. By letter dated December 31, 1985 the licensee submitted the results of a fire test conducted by Underwriters Laboratories, Inc. on the subject cables. Representative samples of the mineral insulated cable were subjected to a one hour fire endurance test in accordance with the ASTM E-119 test method. During the one hour fire exposure and for 93 hours afterwards, electrical measurements were taken. These measurements demonstrated that the mineral insulated cables will not experience any loss of function during or following fire exposure. Because of the low in situ combustible loading inside containment, low likelihood of accumulation of transient combustibles inside containment due to its inaccessibility during power operation, and the containment's large open area, the staff does not expect a fire of the intensity or duration of an ASTM E-119 fire to occur inside containment. Therefore, the staff has reasonable assurance that the cables will continue to function as designed during a fire event and at least until cold shutdown is achieved.

3.4 Conclusion

Based on its evaluation, the staff concludes that the existing fire protection with the proposed modifications provides an acceptable level of fire safety. The licensee's request for exemptions from the technical requirements of section III.G.3 of Appendix R to 10 CFR 50 in the fire area 1-CO-(-10)-1 should, therefore, be granted.

4.0 Doghouse (Fire Zone 1-YD-20-4C)
Condensate Storage Tank Area (Fire Zone 1-YD-14-4F)
Main Transformer Area (Fire Zone 1-TB-20-9D)
Ramp (Fire Zone 1-TB-14-9E)

4.1 Exemption Requested

The licensee requested exemptions from the technical requirements of section III.G.2 of Appendix R to 10 CFR 50 to the extent that it requires the separation of redundant safe shutdown components by a horizontal distance of more than 20 feet with no intervening combustibles, and automatic fire detection and fire suppression systems.

4.2 Discussion

Fire zone 1-YD-20-4C, which is a part of fire area 1-YD-20-4, is located at the west end of the reactor building enclosure structure at elevation 20'-0". The walls and ceiling are reinforced concrete about 2 feet thick. There are approximately 43 unsealed penetrations in the west wall of this zone that communicate with fire zone 1-YD-14-4D. These penetrations range in size from 1 inch to 10 inches in diameter and carry instrument lines, conduits, or pipes. There is also a gate opening into fire zone 1-YD-20-4B.

This zone contains letdown isolation valve CV-526, seal water return isolation valve CV-528, and their associated circuits. The redundant valves for letdown isolation (CV-525) and seal water return isolation (CV-527), and their associated circuits are located in the same fire area, but in fire zone 1-YD-20-4A. These redundant components are separated by more than 130 feet of which at least 40 feet are free of intervening combustibles.

The fuel load in fire zone 1-YD-20-4C consists of plastic coated flexible conduit and miscellaneous Class A and plastic materials. The estimated equivalent fire severity is approximately 5 minutes on the ASTM E-119 standard time temperature curve.

Ultraviolet flame detectors are provided in this fire zone. Portable fire extinguishers and fire hose stations are available for manual fire fighting. Automatic fire suppression is not provided.

Fire zone 1-YD-14-4F is also a part of fire area 1-YD-20-4. This zone is located outdoors at the southwest end of the turbine building. It is separated from the turbine building by 8-inch concrete block walls on the north and east sides. The south and west boundaries are delineated by the vital area fence. The non-fire rated penetrations in the zone boundary that communicate with fire

area 1-TB-8-9 are as described in the licensee's May 30, 1986 letter.

Circuits for MOV-1100D are routed through this fire zone. The circuits for redundant valve MOV-1100B are routed in the same fire area, but in fire zone 1-YD-14-4F, approximately 120 feet away. Automatic fire detection and suppression is not provided.

Fire area 1-TB-8-9 consists of fire zones 1-TB-8-9A, 1-TB-35-9B, 1-TB-10-9C, 1-TB-20-9D, and 1-TB-14-4E. Fire zone 1-TB-20-9D, the main transformer area, is located adjacent to the turbine building ground floor in the southeast corner of the fire area. This zone is enclosed by an 8-inch high curb to contain transformer oil leakage and is open to the atmosphere. Automatic fire detection and suppression systems are not provided in this zone.

Cables for charging pump RWST suction isolation valve MOV-1100D and for charging pump RWST suction valve MOV-883 are located in fire zone 1-TB-20-9D. Cables for the redundant charging pump RWST suction isolation valve (MOV-1100B) and for the redundant charging pump RWST suction valve (MOV-1100C) are located within adjacent fire zone 1-TB-8-9A, turbine building ground floor. (Fire Zone 1-TB-8-9A is discussed in section 2 of this report.) These redundant components are separated by at least 40 feet and by the turbine building walls.

The in situ combustible loading in fire zone 1-TB-20-9B consists of the transformer oil in the three transformers located in the zone.

Fire zone 1-TB-14-9E is the ramp located on the east side of the turbine building. This zone is open to the atmosphere. Cables for the thermal barrier pump are routed in this zone. The redundant cables for component cooling water pump (G-15A) are routed in adjacent fire zone 1-TB-8-9A, over 70 feet from fire zone 1-TB-14-9E.

The in situ combustible loading in fire zone 1-TB-14-9E consists of cables in a partially covered cable tray. This tray is separated from the closest combustibles in adjacent fire zone 1-TB-8-9A by a horizontal distance of 24 feet free of intervening combustibles and open to the atmosphere. The north end of fire zone 1-TB-8-9A is provided with automatic suppression and detection over the circuits for redundant pump G-15A.

4.3 Evaluation

The technical requirements of section III.G.2 of Appendix R to 10 CFR 50 are not met in fire areas 1-YD-20-4 and 1-TB-8-9 because of the lack of automatic fire detection and suppression systems.

The staff was concerned that because of the lack of areawide automatic fire detection and suppression systems, a fire could spread throughout one of the subject fire areas resulting in damage to redundant safe shutdown systems such that safe shutdown could not be achieved and maintained. However, with the exception of the main transformer area (fire zone 1-TB-20-9D) the fuel loads are negligible. Therefore, the staff does not expect a fire of significant magnitude or duration to occur. In the event of a transformer oil fire in the main transformer area, rapid fire growth is expected. However, because this fire zone is surrounded by a curb and is open to the atmosphere, the staff has reasonable assurance that any transformer fire will be confined to the zone and that the effects of the fire will largely vent to atmosphere. The relatively large spatial separation of the redundant components within the subject fire areas provides further assurance that one train of redundant components will survive any postulated fire.

In the staff's opinion, under these conditions, any postulated fire could, at most, cause damage to one train of shutdown components but would not propagate horizontally and damage redundant counterparts.

4.4 Conclusion

On the basis of its evaluation, the staff concludes that the installation of additional fire detection and/or automatic fire suppression capabilities in fire areas 1-YD-20-4 and 1-TB-8-9 would not significantly increase the level of fire safety. The licensee's request for exemption from section III.G.2 of Appendix R to 10 CFR 50 for these areas should, therefore, be granted.

5.0 Summary

Based on its evaluation, the staff concludes that exemptions from the technical requirements of section III.G of Appendix R to 10 CFR 50 should be granted in the following areas and zones:

1. Reactor auxiliary building lower level (fire zone 1-AB-(-3)-2A)
2. Reactor coolant filter enclosure (fire zone 1-AB-20-2N)
3. East penetration area (fire zone 1-YD-20-4A)
4. West penetration area (fire zone 1-YD-20-4B)
5. Yard area (fire zone 1-YD-14-4D)
6. Circulating water pump well (fire zone 1-YD-(-7)-4E)
7. Turbine building ground floor (fire zone 1-TB-3-9A)
8. Turbine deck (fire zone 1-TB-35-9B)

9. Control room complex (fire zone 1-PB-42-16)
 10. Power block roof (fire area 1-PB-56-3A)
 11. Containment (fire area 1-CO-(-10)-1)
 12. Doghouse (fire zone 1-YD-20-4C)
 13. Condensate Storage Tank Area (fire zone 1-YD-14-4E)
 14. Main Transformer Area (fire zone 1-TB-20-9D)
 15. Ramp (fire zone 1-TB-14-9E)
- [FR Doc. 86-15222 Filed 7-3-86; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP) Subcommittee Notice of Results of Expedited Review of Sodium Bromide From Israel

This publication provides the disposition of the expedited review of sodium bromide (TSUS 420.82) from Israel under the Generalized System of Preferences (GSP) initiated by the Trade Policy Staff Committee (TPSC) on February 18, 1986 at the request of the U.S. Bromine Alliance. The GSP is provided for in the Trade Act of 1974, as amended (19 U.S.C. 2461-2465).

On June 28, 1986, the president denied the request of the U.S. Bromine Alliance to graduate Israel from GSP eligibility with respect to sodium bromide. However, the President did not exercise his authority under section 504(d)(2) of the Act (the "de minimis" provision) to waive the 50 percent competitive need limit provided for in section 504(c)(1)(B) of the Act. As a result, Israeli sodium bromide will be denied GSP duty-free treatment effective July 1, 1986 subject to further review next year.

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 86-15139 Filed 7-3-86; 8:45 am]

BILLING CODE 3190-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

- (1) Collection title: Appeal Under the Railroad Retirement Act
- (2) Form(s) submitted: HA-1
- (3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
- (4) Frequency of use: On occasion
- (5) Respondents: Individuals or households
- (6) Annual responses: 810
- (7) Annual reporting hours: 268
- (8) Collection description: Under section 7(b)(3) of the Railroad Retirement Act, a person aggrieved by a decision on his or her application for an annuity or other benefit has the right to appeal to the Board. The collection will provide the means for the appeals action.

- (1) Collection title: Notice of Payment of Separation Allowance
- (2) Form(s) submitted: UI-13
- (3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
- (4) Frequency of use: On occasion
- (5) Respondents: Businesses or other for-profit
- (6) Annual responses: 1,500
- (7) Annual reporting hours: 375
- (8) Collection description: Under the Railroad Unemployment Insurance Act, a railroad employee who is paid a separation allowance is disqualified for unemployment and sickness benefits for the period of time an employee would have worked to earn the amount of a separation allowance. The notice will obtain the information needed for determining the disqualification period.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 86-15153 Filed 7-3-86; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

June 30, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

- Horn & Hardart Co.
Common Stock, \$1.00 Par Value (File No. 7-9040)
- New Plan Realty Trust
Shares of Beneficial Interest, No Par Value (File No. 7-9041)
- Pannill Knitting Co.
Common Stock, \$.01 Par Value (File No. 7-9042)
- United Artists Corporation
Common Stock, \$1.00 Par Value (File No. 7-9043)
- A.O. Smith Corporation
Class B Common Stock, \$1.00 Par Value (File No. 7-9044)
- Whittaker Corporation (Delaware)
Common Stock, \$1.00 Par Value (File No. 7-9045)
- Indiana Energy, Inc. (Holding Company)
Common Stock, \$1.00 Par Value (File No. 7-9046)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 1, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 86-15224 Filed 7-3-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15179; 812-6299]

JIB I Limited Partnership, et al., Application for an Order

June 27, 1986.

Notice is hereby given that JIB I Limited Partnership ("Partnership") and its sole general partner, Harbor Group, Inc. ("General Partner") (collectively, "Applicants"), 84 State Street, Boston, Massachusetts 02109, filed an application on February 5, 1986, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Partnership and any future, similar limited partnerships organized by the General Partner ("Future Partnerships") from all provisions of the Act, or alternatively pursuant to section 3(b)(2) of the Act finding and declaring that the Partnership is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the applicable provisions thereof.

According to the application, the Partnership is a newly-formed limited partnership organized under the laws of the Commonwealth of Massachusetts. The General Partner is a closely-held Massachusetts corporation registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act.") Applicants represent that the Partnership has been organized to engage in the business of providing collateral for bank loans to unaffiliated third parties ("Borrowers") by pledging undivided interests ("Pledges") in a liquid asset portfolio ("Collateral Fund"), which will be funded by capital contributions by the Partnership's limited partners. Applicants represent that limited partnership interests in the Partnership will be offered only to accredited investors as defined by Regulation D under the Securities Act of 1933, in units of not less than \$250,000.

According to the application, the Collateral Fund will be kept segregated, will consist of interest-bearing liquid investments, such as prime corporate and government obligations and will be held by an independent, well-established fund custodian ("Custodian"). The Collateral Fund will have a manager ("Fund Manager") registered as an investment adviser under the Advisers Act and not affiliated with the General Partner.

Applicants state that the General Partner will review proposals of

Borrowers, individuals with substantial net worth and business experience, or business enterprises controlled by such persons. Pledges, consisting of limited undivided interests in the Collateral Fund, will secure loans ("Loans") made by banks ("Banks") to the Borrowers. Applicants anticipate that the Loans will be higher in risk than those that a commercial bank would make without the collateral of the Pledge. Applicants represent that Borrowers will not be affiliated with the Partnership, the General Partner, the Custodian or the Fund Manager.

Applicants state that in connection with each Pledge, the Partnership will enter into a negotiated indemnity and security agreement ("Agreement") with the Borrower. The Agreement will grant the Partnership certain rights and remedies against the Borrower in the event that a Bank enforces its rights under the Pledge, including a security interest in the assets being financed by the Loan. Applicants represent that the General Partner, in cases it deems appropriate, in light of the Partnership's stated lending policies, may also obtain a security interest in other additional collateral and personal recourse against the Borrower. The security interest granted by a Borrower will vary depending on the purpose of the Loan, the nature of the collateral given by the Borrower to the Partnership, and the strength and liquidity of the Borrower, but in no event will the value of such security interest acquired at the time a Pledge is made be less than the exposure of the Partnership under its Pledge.

According to the application, the Banks will be the lenders of account; however, the General Partner will also arrange for the Partnership to obtain appraisals of Borrowers' assets and will monitor the performance of Loans. Applicants state that the Partnership will maintain an unencumbered reserve of 10 percent in the Collateral Fund, in accordance with the terms of the Partnership agreement, to protect against fluctuations in the Collateral Fund's principal value.

Applicants state that the Partnership expects to receive from a Borrower, in consideration for a Pledge, income under the Agreement in any or all of three forms: (i) A one-time point fee income calculated on the basis of the maximum amount of each Borrower's loan and/or the Partnership's exposure under its related Pledge; (ii) an annual payment, based on the amount of the outstanding Loan, which payment Applicants expect to reflect in part lower bank lending rates attributable to the reduction in

loan risk arising from the collateral pledged by the Partnership; and (iii) participating interests ("Participations") in the assets financed by the bank loans secured by the Partnership's Pledge.

One-half of all one-time point fee income and one-quarter of all Participations will be paid to the General Partner (or, in the case of Participations, an entity organized by the General Partner's stockholders to hold such interest, either directly or as a special class limited partner of the Partnership) as compensation for its services, including negotiation, closing, credit monitoring and administrative services to the Partnership. The Partnership will also reimburse the General Partner for organizational expenses and pay it a one-time, up-front fee of 4% to 5% of the initial capital contribution. Applicants state that the Partnership also will pay the fees of the custodian and the Fund Manager. The General Partner will be responsible for the analysis, acceptance and administration of Pledges granted by the Partnership, and the negotiation of the Partnership's compensation and Pledge documentation, including the Agreements.

Applicants state that the Collateral Fund will be liquidated, commencing three years after the offering of Partnership interests, over a period of several years as the loans are paid and Pledges are released. Applicants represent that the Partnership will be completely liquidated, including distributions to the partners, pursuant to a term set forth in the Partnership Agreement, which term is expected to be 10 years.

Applicants state that because of the novel form of business and structure proposed in the Application, the final form of Partnership Agreement will be established following the issuance of an order by the Commission on the application. Applicants represent that the limited partnership agreement will set forth the lending policy of the Partnership, including the types of loans to be collateralized, the maximum exposure to any one Borrower and its affiliates, and the degree of industrial or, in the case of real estate, geographic concentration of collateralized loans; the identity of the initial Custodian and Fund Manager; the types of assets in which the Collateral Fund may be invested; the amount of unencumbered asset reserve within the Collateral Fund; the period of time during which new loans may be collateralized by the Partnership; the compensation of the General Partner; and, the restrictions on the transferability of limited partnership

interests. Applicants state that the Partnership Agreement will be amended only upon the approval of a majority in interest of the limited partners of the Partnership. Applicants also state that the Partnership will have one class of limited partnership interest; however, a special class of limited partnership interest may be issued to permit an affiliate of the General Partner to hold the General Partner's share of Participations. Applicants represent that the special limited partnership interest will not be senior to that of unaffiliated limited partners, and no rights relating to such special interest could be changed without the approval of a majority in interest of the limited partners unaffiliated with the General Partner. Applicants state that the General Partner proposes to form future Partnerships and Applicants represent that each Future Partnership will comply with the statements and representations set forth in the application with respect to the Partnership.

Applicants request an order under section 3(b)(2) of the Act, asserting that the Partnership and Future Partnerships will be engaged primarily in the loan collateralization business, rather than the business of investing, reinvesting, owning, holding or trading in securities. Applicant alternatively request an order pursuant to section 6(c) of the Act exempting the Partnership and Future Partnerships from all provisions of the Act. Applicants submit that the Act was not intended to apply to a partnership with a purpose and method of operation such as the Partnership. Applicants assert that the nature of the offerees for the limited partnerships interests, the safeguards provided by the independent custodial and management arrangements for the Collateral Fund, the illiquid nature of the other assets of the Partnership, and the restrictions Applicants agree to include in the limited partnership agreements will adequately protect the interests of investors. Applicants also submit that the business of the Partnership and Future Partnerships is in the public interest because it will benefit the economy by enhancing the availability of bank financing to Borrowers. Applicants also submit that if the Act were applied to the Partnership, it would be prevented from engaging in the business of collateralizing loans.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 22, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific

issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 86-15225 Filed 7-3-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Soviet and Eastern European Studies, Advisory Committee; Meeting

The Department of State announces that the Soviet and Eastern European Studies Advisory Committee will meet on August 4, 1986 starting at 10:00 a.m. in Room 1107, Department of State, 2201 C Street, NW., Washington, DC.

The Advisory Committee will hear progress reports from last year's grantees and will issue a call for applications for the FY 1987 competition. The agenda will include: Opening statements by the Chairman of the Committee and its members; oral statements by interested members of the public and receipt of written statements; interim oral/written progress reports of FY 1986 grant recipients and comments from Committee members; and within the Committee, discussion and approval of guidelines for FY 1987 applications from "national organizations with an interest and expertise in conducting research and training concerning the Soviet Union and Eastern Europe."

The general public may attend the meeting to make and/or submit statements, and to observe the Committee's deliberations subject to the instructions of the Chairman. Public attendance will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry must be arranged in advance of the meeting. It is required that prior to the meeting, persons who plan to attend or to make or submit statements, so advise Susan H. Nelson, Soviet-Eastern European Studies Advisory Committee, INR/LAR, Department of State, Washington, DC

20520, (202) 632-5924. All attendees must use the C Street entrance to the building.

Dated: June 30, 1986.

E. Raymond Platig,

Executive Director, Soviet and Eastern European Studies Advisory Committee.

[FR Doc. 86-15195 Filed 7-3-86; 8:45 am]

BILLING CODE 4710-32-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Renegotiation Board Interest Rate Prompt Payment Interest Rate

The Renegotiation Board previously published the rate of interest determined by the Secretary of the Treasury pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended. Since the Renegotiation Board is no longer in existence, the Department of the Treasury is publishing the current rate of interest. Also, pursuant to section 2(b)(1) of Pub. L. 97-177, dated May 21, 1982, the Secretary of the Treasury is responsible for computing and publishing the interest rate to be used in cases under the Prompt Payment Act.

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest applicable for the purpose of said sections, for the period beginning July 1, 1986 and ending on December 31, 1986, is 8-1/2 per centum per annum.

Dated: June 26, 1986.

John Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-15181 Filed 7-3-86; 8:45 am]

BILLING CODE 4810-35-M

Internal Revenue Service

1987 Tax Counseling for the Elderly Program; Availability of Application Packages

AGENCY: Internal Revenue Service, Treasury.

ACTION: Availability of application packages.

SUMMARY: This document provides notice of the availability of Application Packages for the 1987 Tax Counseling for the Elderly program.

DATES: Application packages are available from IRS at this time. The deadline for submitting an application package to the IRS for the 1987 Tax

Counseling for the Elderly program is August 7, 1986.

ADDRESS: Application Packages may be requested by contacting: Internal Revenue Service, Tax Counseling for the Elderly Program, Taxpayer Service Division D:R:T:I, Room 7215, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Ronald Mackey of the Taxpayer Service Division, Internal Revenue Service, 1111 Constitution Ave., NW., Room 7215, Washington, DC 20224, (202) 566-4904, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Authority for the Tax Counseling for the Elderly program is contained in section 163 of the Revenue Act of 1978 (92 Stat. 2810). Regulations were published in the *Federal Register* at 44 FR 72113 on December 13, 1979. Section 163 gives the Internal Revenue Service authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Applications are being solicited before the FY 1987 budget has been approved and, therefore, cooperative agreements will be entered into subject to funds being appropriated. Subject to funding, volunteers may receive reimbursement for expenses incurred in training and in providing tax return assistance, and sponsoring agencies and organizations may receive reimbursement for administrative expenses. The Tax Counseling for the Elderly Program is referenced in the Catalog of Federal Domestic Assistance in Section 21.006.

Philip P. Russo,

Assistant Director, Taxpayer Service Division.

[FR Doc. 86-15130 Filed 7-3-86; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Veterans Administration Medical Center Modernization or Replacement, Allen Park, MI; Availability of a Final Environmental Impact Statement

Notice is hereby given that a

document entitled "Final Environmental Impact Statement (FEIS), Veterans Administration Medical Center (VAMC), Allen Park, Michigan, Modernization or Replacement, dated July 1986, has been prepared as required by the National Environmental Policy Act of 1969.

The Final Environmental Impact Statement discusses the potential environmental impacts associated with the Modernization or Replacement of the VAMC at Allen Park, MI. The alternatives considered include three different plans for renovation and new construction at the existing VAMC; a total replacement VAMC at a site in Detroit, Michigan; a split facility alternative involving agency activities at both Allen Park and downtown Detroit; an enlarged VAMC at Allen Park; and the "No Action" alternative.

All of the alternatives, except the "No Action" alternative, respond to a 1995 operational medical year program and will meet the required space needs for a modern hospital providing medical care for veterans. In the renovation alternatives, some program space would be located in existing buildings that must be modernized. The split facility concept also would involve major renovation and new construction.

The Final Environmental Impact Statement includes comments and responds to those that were identified during the public comment period on the Supplemental Draft EIS in September 1985. The document also includes information generated by the technical analysis of various key environmental issues.

The Final Environmental Impact Statement is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Director, Office of Environmental Affairs (088B), Room 419, Veterans Administration, 811 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2922. Questions or requests for single copies of the Final EIS may be addressed to the above office.

Dated: June 26, 1986.

Thomas K. Turnage,
Administrator.

[FR Doc. 86-15076 Filed 7-3-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 129

Monday, July 7, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Equal Employment Opportunity Commission	1
Federal Home Loan Bank Board	2
National Credit Union Administration....	3

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, July 14, 1986, 2:00 p.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Revision to Management Directive 401: Agency Requests to the EEOC for EEO Investigations
4. Refinement of EEOC's Investigative Techniques Applicable to Uncooperative Respondents

Closed

Litigation Authorization; General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE

INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634-6748.

Dated: July 2, 1986.

Johnnie L. Johnson,
Attorney-Advisor Executive Secretariat.

This Notice Issued July 2, 1986.

[FR Doc. 86-15311 Filed 7-2-86; 3:25 pm]

BILLING CODE 6750-06-M

2

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE:

Wednesday, June 25, 1986 (9:00 a.m.-5:00 p.m.)

Thursday, June 26, 1986 (8:30 a.m.-11:30 a.m.)

PLACE: The Lafayette Hotel, 1 Avenue de Lafayette, Boston, Massachusetts.

STATUS: Federal Savings and Loan Advisory Council meeting.

CONTACT PERSON FOR MORE

INFORMATION: John M. Buckley, Jr. (202/377-6577) or Debra J. Ahearn (202/377-6924).

MATTERS TO BE CONSIDERED: Committee reports regarding the following:

1. Interest Rate Risk
2. Liquidity Requirements
3. Net Worth Requirements
4. Freddie Mac's role

Jeff Sconyers,

Secretary.

No. 5, June 13, 1986.

[FR Doc. 86-15254 Filed 7-2-86; 11:07 am]

BILLING CODE 6720-01-M

3

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 1:30 p.m., Tuesday, July 15, 1986.

PLACE: Grouse Mt. Lodge, Whitefish, Montana 59937, (406) 862-3000.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Legislative Update.

4. Review of Central Liquidity Facility Lending Rate.
5. Insurance Fund Report.
6. Report on Insider Dealings and Conflicts of Interest.
7. Proposed Semiannual Agenda of Regulations.
8. Final Rule: Part 708, NCUA Rules and Regulations, Mergers of Credit Unions.
9. Board Briefing on Proposed Amendments to Part 740: Advertisement of Insurance Status; Part 741: Requirements for Insurance (NCUSIF); and Part 745: Clarification and Definition of Account Insurance Coverage, NCUA Rules and Regulations.
10. Final Rule: Amending Part 741.5(b)(1), NCUA Rules and Regulations, Insurance Year.

TIME AND DATE: 9:30., Friday, July 11, 1986.

PLACE: 1776 G Street, NW., Washington, DC 20456, Filene Board Room, 7th Floor.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.
2. Appeal of Regional Director's Denial of Field of Membership Change. Closed pursuant to exemptions (8) and (9)(B).
3. Merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Special Assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Board Briefings. Closed pursuant to exemption (2).
7. Proposed Upgrade to Agency's Computer System. Closed pursuant to exemption (2).
8. NCUA Employee Time Study. Closed pursuant to exemption (2).
9. Personnel Actions. Closed pursuant to exemptions (2) and (6).
10. Agency's FY 87 and FY 88 Budgets. Closed pursuant to exemptions (2) and (9)(B).

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Becky Baker,

Acting Secretary of the Board.

[FR Doc. 86-15287 Filed 7-2-86; 8:45 am]

BILLING CODE 7535-01-M

Environmental Protection Agency

Monday
July 7, 1986

Part II

**Environmental
Protection Agency**

40 CFR Part 86

**Control of Air Pollution From New Motor
Vehicles and Engines, Certification and
Test Procedures; Gasoline Lead Content;
Interim Final Rule and Notice of
Proposed Rulemaking**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 86****[FRL 2971-8(b)]****Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines, Certification and Test Procedures; Technical Amendments and Corrections****AGENCY:** Environmental Protection Agency.**ACTION:** Interim final rule.

SUMMARY: This interim final rule amends 40 CFR Part 86, primarily to bring the lead content for leaded gasoline used in 1987 model year emissions test vehicles and engines into conformity with allowable lead levels specified for commercial leaded gasoline as established by EPA in 40 CFR Part 80 on March 7, 1985 (50 FR 9386). In addition, corrections are made to clerical and other minor technical errors which have been found in other sections of the regulations.

Elsewhere in this issue of the *Federal Register*, EPA is proposing revisions to the gasoline lead content specifications for gasoline used in 1988 and later model year emission test vehicles and engines. Those revisions propose that all use of leaded gasoline in emissions test vehicles and engines be prohibited.

DATE: This rule is effective July 7, 1986. However, written comments may be submitted by August 6, 1986, following the publication of this rulemaking.

Note.—Under section 307(b)(1) of the Clean Air Act, EPA hereby finds that these regulations are of national applicability. Accordingly, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.

ADDRESS: Material relevant to this rule will be placed in Public Docket A-85-28 which is located at the Central Docket Section (A-130), 401 M Street SW., Washington, DC 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided by 40 CFR Part 2, a reasonable fee may be charged for photocopying. Comments should be submitted to Public Docket No. A-85-28 at the above address.

FOR FURTHER INFORMATION CONTACT: F. Peter Hutchins, Emission Control Technology Division, U.S.

Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668-4340.

SUPPLEMENTARY INFORMATION: This rulemaking contains amendments to 40 CFR Part 86 (Control of Air Pollution for New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures) as follows: (1) Amendments which bring the specification for the lead content of leaded gasoline for use in emissions and fuel economy testing into conformance with the specification for leaded commercial gasoline as established by EPA on March 7, 1985 (50 FR 9386); (2) clerical and other technical amendments which correct errors, restore material inadvertently omitted or standardize reporting precision (*see* summary of technical amendments in the appendix to this notice).

The final rule establishing maximum lead content of leaded commercial gasoline (50 FR 9386, March 7, 1985) established an interim standard of 0.50 gram of lead per gallon of leaded gasoline effective July 1, 1985, and a final standard of 0.10 gram of lead per gallon of leaded gasoline effective January 1, 1986. As a result of the final rule on commercial leaded gasoline, all 1987 model year production vehicles which are certified using leaded gasoline will, in actual use, operate on leaded fuel which must comply with the 0.10 gram of lead per gallon specification. Because service mileage accumulation in the emission certification process is required to be performed using fuel equivalent to commercial fuel, the effect of the final rule for commercial leaded gasoline is that service mileage accumulation will be performed using leaded gasoline which meets the 0.10 gram per gallon specification. However, without a change in the leaded fuel specification for fuel used in emission tests performed in the certification process, manufacturers using leaded fuel for certification purposes would be required to use fuel which meets the presently specified minimum lead level of 1.4 grams of lead per gallon. In effect, this matter affects, at most, some motorcycles and certain heavy-duty gasoline engines, since all gasoline-fueled light-duty vehicles and light-duty trucks have used only unleaded gasoline for certification purposes since 1980. It is reasonable, therefore, that test vehicles and engines using leaded fuel for 1987 model year emissions certification tests and fuel economy tests use fuel which complies with the final specification for leaded commercial gasoline of 0.10 gram of lead per gallon of gasoline.

The start of the emissions certification process, most importantly the start of service mileage accumulation on durability data vehicles and engines, precedes new model year vehicle and engine introduction by several months. Some manufacturers may, therefore, have already initiated mileage accumulation for their 1987 model year durability data vehicles and engines using fuel for mileage accumulation which complies with the commercial fuel requirement but with fuel for emission tests meeting the specifications of § 86.113-82 (minimum 1.4 gram/gallon). EPA does not wish to impose an unnecessary burden on manufacturers by requiring the repetition of any already completed emission certification or fuel economy data collection. EPA will, therefore, accept data for the certification of 1987 model year vehicles and engines, including carryover data, collected by manufacturers prior to the effective date of this rule using fuel which complies with regulations then in effect.

The Agency finds that there is good cause to make these amendments effective without prior notice and comment. With regard to the amendments on the lead content of test fuel, EPA has previously informed the major motor vehicle manufacturers that such a change was likely. Indeed, manufacturers have known since March 1985 that all new vehicles designed to use leaded gasoline would need to be able to operate on the 0.10 gram lead content of leaded gasoline starting in 1986. Moreover, regulations applicable to the lead content of leaded gasoline (40 CFR 86.113-82(a)(2)) require gasoline used for service accumulation in certification test vehicles to be representative of commercially available gasoline. Thus, manufacturers beginning their certification mileage accumulation in 1986, for 1987 model year, are likely using low-lead gasoline for that purpose already. Accordingly, the change in emission test fuel specifications made today should impose no unexpected technical requirements on manufacturers. Nor does EPA expect any significant issues to be raised in any comments that may be submitted in response to this notice.

In addition, issuance of a proposed rule with prior notice and comment would, in all likelihood, delay the effective date for the introduction of this leaded fuel specification until the 1988 model year, thereby forcing manufacturers to test 1987 vehicles on fuel which contains much more lead than commercial gasoline.

With regard to the other technical amendments made today (e.g., corrections of clerical errors, restoration of inadvertently omitted material), those amendments will not adversely or significantly affect any person. Thus, EPA does not expect any significant comments on those changes.

In light of all these circumstances, EPA finds that prior notice and comment in this case would be unnecessary and contrary to the public interest. If, however, subsequent comments indicate that some change in these amendments is appropriate, EPA will revise them accordingly. For the same reasons, EPA finds that there is good cause to make these amendments effective on the date of publication.

I. Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major

because it will not have an annual effect on the economy of \$100 million or more. Also, this regulation will not result in increased costs or prices for consumers, industries, or others; nor should it have adverse effects on competition, employment, investment, or productivity.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments by OMB and EPA's response to such comments will be placed in the public docket for this rulemaking.

II. Reporting and Recordkeeping Requirements

The information collection requirements contained in the rules which this action amends have been cleared by OMB and assigned OMB Control Number 2060-0104. The amendments contained in this interim final rule have no impact on the reporting or recordkeeping burden.

III. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The amendments in this rulemaking will not increase the burden or cost of compliance for the industry. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Gasoline, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: June 12, 1986.

Lee M. Thomas,
Administrator.

APPENDIX—TABLE OF SPECIFIC CHANGES

Section	Change	Reason
2. 86.085-1(b)	Revise wording of first sentence.	To make clear that the light-duty truck provisions are applicable.
3. 86.087-9(a)(1)(i)	Revise hydrocarbon standard to read "0.80."	Correction.
4. 86.088-9(a)(1)(i)	Revise hydrocarbon standard to read "0.80."	Correction.
(a)(1)(iii)(C)	Added sentence specifying ceiling for family emission limits.	Inadvertently omitted at 50 FR 10650 (March 15, 1985).
5. 86.085-22(e)(1)(i)	Added the phrase "carbureted, gasoline-fueled vehicles (or engines) or any parameter."	The phrase was inadvertently omitted.
6. 86.085-25(a)(10)	Added the phrase "which may reasonably be expected to affect emissions."	Same as 5, above.
7. 86.087-25(g)(2)	Sub-divided into 4 major paragraphs.	Improve readability.
8. 86.088-25(b)(1)	Same as 6.	Same as 6.
86.088-25(g)(2)	Citation to § 86.088-35 should have been to § 86.087-35.	Correction.
9. 86.084-26(a)(6)(iii), (d)(2)(ii)	Added the phrase "which may reasonably be expected to affect emissions."	The phrase was inadvertently omitted.
10. 86.085-28(b)(4)(iv), (c)(4)(iv)	Sub-divide into 4, major paragraphs.	Improve readability.
11. 86.085-27(b)(4)(iv), (c)(4)(iv)	Express the number of significant figures required in emission test results in terms of the number of significant figures in the standards.	Clarify the number of significant figures required.
12. 86.088-28(b)(4)(iv), (c)(4)(iv)	Same as 9.	Same as 9.
13. 86.091-28(b)(4)(iv), (c)(4)(iv)	Same as 9.	Same as 9.
14. 86.087-28(b)	Same as 9.	Same as 9.
15. 86.113-87	Citation to § 86.087-25(a) should have been to § 86.085-25(a). Added the phrase "represented by the engine."	Correction. The phrase was inadvertently omitted.
16. 86.513-87	Added § 86.513-87.	Specify lead content of leaded gasoline used in test vehicles equal to that allowed in commercial leaded gasoline (50 FR 1985 March 7, 1985), applicable to manufacturer and EPA testing.
17. 86.609(a)	Express the number of significant figures required in emission test results in terms of the number of significant figures in the standards.	Same as 15.
18. 86.1213-87	Added § 86.1213-87.	Clarify the number of significant figures required.
19. 86.1310-88(b)(6)(ii)(E), (G), (H), and (I)	Deleted part of (E) and all of (G) and (H), redesignated (I) as (G).	Specify lead content of leaded gasoline used in test vehicles. Specify lead content equal to that allowed in commercial leaded gasoline (50 FR 9386 March 7, 1985).
20. 86.1313-87	Added § 86.1313-87.	Delete incorrect and overly restrictive test equipment specifications.
21. 86.1342-84(c)(3)	Specify lead content of leaded gasoline used in test vehicles. Specify lead content equal to that allowed in commercial leaded gasoline (50 FR 9386 March 7, 1985).	Clarification of error at 50 FR 10694 (March 15, 1985), see no. 22 below.
22. 86.1342-84(d)(3)	Return to original version.	Inadvertently omitted at 50 FR 10694 (see no. 21, above).
23. 86.1513-87	Addition of symbol for "average carbon to hydrogen ratio."	Specify lead content of leaded gasoline used in test vehicles. Specify lead content equal to that allowed in commercial leaded gasoline (50 FR 9386 March 7, 1985).
24. 86.1544-84(a)	Added § 86.1513-87.	Redundant; covered by the criteria in § 86.084-26(d)(2).
25. Appendix II	Delete reporting requirements.	Inadvertently omitted.
	Insert "2" sign.	

For the reasons set forth in the preamble, 40 CFR Part 86 is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for Part 86 continues to read as follows:

Authority: 42 U.S.C. 7521, 7522, 7525, 7541, 7542, and 7601.

2. Section 86.085-1 of Subpart A is amended by revising paragraph (b) to read as follows:

§ 86.085-1 General applicability.

(b) Optional applicability. A manufacturer may request to certify any heavy-duty vehicle 10,000 pounds GVWP or less in accordance with the light-duty truck provisions. Heavy-duty engine or vehicle provisions do not apply to such a vehicle.

3. Section 86.087-9 of Subpart A is amended by revising paragraph (a) (1) (i), to read as follows:

§ 86.087-9 Emission standards for 1987 and later model year light-duty trucks.

(a) * * *

(1) * * *

(i) Hydrocarbons. 0.80 gram per vehicle mile (0.50 gram per vehicle kilometer).

4. Section 86.088-9 of Subpart A is amended by revising paragraphs (a)(1)(i) and (a)(1)(iii)(C), to read as follows:

§ 86.088-9 Emission standards for 1988 and later model year light-duty trucks.

(a) * * *

(1) * * *

(i) Hydrocarbons. 0.80 gram per vehicle mile (0.50 gram per vehicle kilometer).

(iii) * * *

(C) A manufacturer may elect to include all or some of its light-duty truck engine families in the NO_x averaging program, provided that trucks produced for sale in California or in designated high-altitude areas may be averaged only within each of those areas. Diesel and gasoline-fueled engine families may not be averaged together. If the manufacturer elects to participate in the NO_x averaging program, individual family NO_x emission limits may not exceed 2.3 grams per mile. If the manufacturer elects to average together NO_x emissions of light-duty trucks

subject to the standards of paragraphs (a)(1)(iii)(A) and (a)(1)(iii)(B) of this section, its composite NO_x standard applies to the combined fleets of light-duty trucks up to and including, and over, 3750 lbs loaded vehicle weight included in the average and is calculated as defined in § 86.088-2.

5. Section 86.085-22 of Subpart A is amended by revising paragraph (e) (1) (i), to read as follows:

§ 86.085-22 Approval of application for certification; test fleet selections; determinations of parameters subject to adjustment for certification and Selective Enforcement Audit, adequacy of limits, and physically adjustable ranges.

(e) * * *

(1) (i) Except as noted in paragraph (e) (1) (iv) of this section, the Administrator may determine to be subject to adjustment the idle fuel-air mixture parameter on gasoline-fueled vehicles (or engines) (carbureted or fuel injected); the choke valve action parameter(s) on carbureted, gasoline-fueled vehicles (or engines); or any parameter on any vehicle (or engine) (diesel or gasoline-fueled) which is physically capable of being adjusted, may significantly affect emissions, and was not present on the manufacturer's vehicles (or engines) in the previous model year in the same form and function.

6. Section 86.085-25 of Subpart A is amended by revising paragraph (a) (10), to read as follows:

§ 86.085-25 Maintenance.

(a) * * *

(10) For durability-data vehicles: (i) Complete emission tests (see §§ 86.106 through 86.145) are required before and after all approved scheduled maintenance which may reasonably be expected to affect emissions. The Administrator may, however, waive these test requirements.

(ii) (A) The manufacturers may optionally perform emission tests before unscheduled maintenance.

(B) Emission tests are required after unscheduled maintenance which may reasonably be expected to affect emissions.

(C) The Administrator may waive the requirement to test after unscheduled maintenance.

(iii) These test data may be submitted weekly to the Administrator, but shall be air posted or delivered within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary

engineering report of any malfunction diagnosis and the corrective action taken.

(iv) (A) A complete engineering report shall be delivered to the Administrator with the manufacturer's application for certification, unless requested earlier, in which case it must be delivered within 30 days.

(B) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.085-23.

7. Section 86.087-25 of Subpart A is amended by revising paragraph (g) (2), to read as follows:

§ 86.087-25 Maintenance.

(g) * * *

(2) For durability-data vehicles: (i) Complete emission tests (see §§ 86.106 through 86.145) are required before and after all approved scheduled maintenance which may reasonably be expected to affect emissions. The Administrator may, however, waive these test requirements.

(ii) (A) The manufacturers may optionally perform emission tests before unscheduled maintenance.

(B) Emission tests are required after unscheduled maintenance which may reasonably be expected to affect emissions.

(C) The Administrator may waive the requirement to test after unscheduled maintenance.

(iii) These test data may be submitted weekly to the Administrator, but shall be air posted or delivered within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken.

(iv) (A) A complete engineering report shall be delivered to the Administrator with the manufacturer's application for certification, unless requested earlier, in which case it must be delivered within 30 days.

(B) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.087-23.

8. Section 86.088-25 of Subpart A is amended by revising paragraphs (b)(1) and (g)(2), to read as follows:

§ 86.088-25 Maintenance.

(b) * * *

(1) All emission-related scheduled maintenance for purposes of obtaining durability data must occur at the same mileage intervals (or equivalent intervals if engines, subsystems, or components are used) that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle or engine under § 86.087-38. This maintenance schedule may be updated as necessary throughout the testing of the vehicle/engine provided that no maintenance operation is deleted from the maintenance schedule after the operation has been performed on the test vehicle or engine.

(g) * * *

(2) *For durability-data vehicles:* (i) Complete emission tests (§§ 86.106 through 86.145) are required before and after all approved scheduled maintenance which may reasonably be expected to affect emissions. The Administrator may, however, waive these test requirements.

(ii)(A) The manufacturers may optionally perform emission tests before unscheduled maintenance.

(B) Emission tests are required after unscheduled maintenance which may reasonably be expected to affect emissions.

(C) The Administrator may waive the requirement to test after unscheduled maintenance.

(iii) These test data may be submitted weekly to the Administrator, but shall be air posted or delivered within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken.

(iv)(A) A complete engineering report shall be delivered to the Administrator with the manufacturer's application for certification, unless requested earlier, in which case it must be delivered within 30 days.

(B) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.088-23.

9. Section 86.084-26 of Subpart A is amended by revising paragraphs (a)(6)(iii) and (d)(2)(ii), to read as follows:

§ 86.084-26 Mileage and service accumulation; emission measurements.

(a) * * *

(6) * * *

(iii) The results of all emission tests shall be rounded, in accordance with

ASTM E 29-67, to the number of decimal places contained in the applicable emission standard expressed to one additional significant figure.

(d) * * *

(2) * * *

(ii) The results of all emission tests shall be recorded and reported to the Administrator. These test results shall be rounded, in accordance with ASTM E 29-67, to the number of decimal places contained in the applicable emission standard expressed to one additional significant figure.

10. Section 86.085-28 of Subpart A is amended by revising paragraphs (b)(4)(iv) and (c)(4)(iv), to read as follows:

§ 86.085-28 Compliance with emission standards.

(b) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraph (b)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission-data engine.

(c) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraph (c)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission-data engine.

11. Section 86.087-28 of Subpart A is amended by revising paragraphs (b)(4)(iv) and (c)(4)(iv), to read as follows:

§ 86.087-28 Compliance with emission standards.

(b) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraph (b)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission data engine.

(c) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraph (c)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission-data engine.

12. Section 86.088-28 of Subpart A is amended by revising paragraphs (b)(4)(iv) and (c)(4)(iv), to read as follows:

§ 86.088-28 Compliance with emission standards.

(b) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraph (b)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission-data engine.

(c) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraph (c)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission-data engine.

13. Section 86.091-28 of Subpart A is amended by revising paragraphs (b)(4)(iv) and (c)(4)(iv), to read as follows:

§ 86.091-28 Compliance with emission standards.

(b) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraphs (b)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission-data engine.

(c) * * *

(4) * * *

(iv) The emission values to compare with the standards (or family emission limits, as appropriate) shall be the adjusted emission values of paragraphs (b)(4)(iii) of this section, rounded to the same number of significant figures as contained in the applicable standard in accordance with ASTM E 29-67, for each emission-data engine.

14. Section 86-087-38 of Subpart A is amended by revising paragraphs (b) and (e), to read as follows:

§ 86.087-38 Maintenance instructions.

(b) Instructions provided to purchasers under paragraph (a) of this section shall specify the performance of all scheduled maintenance performed by the manufacturer on certification durability vehicles and, in cases where the manufacturer performs less maintenance on certification durability vehicles than the allowed limit, may specify the performance of any scheduled maintenance allowed under § 86.087-25 (or under § 86.085-25(a), for light-duty vehicle families optionally complying with that section for the 1987 model year).

(e) If the vehicle has been granted an alternative useful life period under the provisions of § 86.087-21(f), the manufacturer may choose to include in such instructions an explanation of the distinction between the alternative useful life specified on the label, and the emissions defect and emissions performance warranty period. The explanation must clearly state that the useful life period specified on the label represents the average period of use up to retirement or rebuild for the engine family represented by the engine used in the vehicle. An explanation of how the actual useful lives of engines used in various applications are expected to differ from the average useful life may be included. The explanation(s) shall be in clear, non-technical language that is understandable to the ultimate purchaser.

15. A new § 86.113-87 is added to Subpart B, to read as follows:

§ 86.113-87 Fuel specifications

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specification or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing except that the

octane specification does not apply.

Item	ASTM	Leaded	Unleaded
Octane, research, min.	D2699	98	93
Sensitivity, min.		7.5	7.5
Lead (organic), g/U.S. gal (g/liter)	D3237	0.100 (0.026)	0.050 (0.013)
Distillation Range: IBP ¹ , °F	D86	75-95 (23.9-35)	75-95 (23.9-35)
10 pct. point, °F	D86	120-135 (48.9-57.2)	120-135 (48.9-57.2)
50 pct. point, °F	D86	200-230 (93.3-110)	200-230 (93.3-110)
90 pct. point, °F	D86	300-325 (148.9-162.8)	300-325 (148.9-162.8)
EP, °F, max.	D86	415 (212.8)	415 (212.8)
Sulfur, wt. pct., max.	D1266	0.10 (0.0026)	0.10 (0.0013)
Phosphorus, g/U.S. gal., max. (g/liter)		0.01 (0.0026)	0.005 (0.0013)
RVP [°F], psi	D323	8.7-9.2 (60.0-63.4)	8.7-9.2 (60.0-63.4)
Hydrocarbon composition: Olefins, pct., max.	D1319	10	10
Aromatics, pct., max.	D1319	35	35
Saturates	D1319	(*)	(*)

¹ Maximum.

² For testing at altitudes above 1,219 m (4,000 ft), the specified range is 75-105 °F (23.9-40.6 °C).

³ For testing which is unrelated to evaporative emission control, the specified range is 8.0-9.2 psi (55.2-63.4 kPa).

⁴ For testing at altitudes above 1,219 m (4,000 ft), the specified range is 7.9-9.2 psi (54.4-63.4 kPa).

⁵ Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation.

(i) For leaded fuel, the lead content shall not exceed 0.100 gram lead per gallon leaded gasoline (0.026 g/liter).

(ii) Where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content.

(iii) The octane rating of the gasoline used shall be no higher than one research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers for unleaded fuel and 7.0 octane numbers for leaded fuel, where sensitivity is defined as the Research octane number minus the Motor octane number.

(iv) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.085-21(b)(3).

(b) *Diesel fuel.* (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2-D" grade diesel, shall be used.

Item	ASTM Test Method No.	Type 2-D
Cetane Number	D613, D86	42-50
Distillation range: IBP, °F		340-400 (171.1-204.4)
10 pct. point, °F		400-460 (204.4-237.8)
50 pct. point, °F		470-540 (243.3-282.2)
90 pct. point, °F		550-610 (287.8-321.1)
EP, °F		580-660 (304.4-348.9)
Gravity, °API	D287	33-37
Total sulfur, pct.	D129 or D2622	0.2-0.5
Hydrocarbon composition: Aromatics, pct., min.	D1319	27
Paraffins, naphthenes, olefins		(¹)
Flashpoint, °F, min.	D93	130 (54.4)
Viscosity, centistokes	D445	2.0-3.2

¹ Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2-D" grade diesel fuel, shall be used.

Item	ASTM Test Method No.	Type 2-D
Cetane Number	D613	38-58
Distillation range: 90 pct. point °F	D86	430-630 (221.1-332.2)
Gravity, °API	D287	30-42
Total sulfur, pct., min.	D129 or D2622	0.20
Flashpoint, °F, min.	D93	130 (54.4)
Viscosity, centistokes	D455	1.5-4.5

(4) Other petroleum distillate fuel specifications:

(i) Other petroleum distillate fuels may be used for testing and service

accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of fuel listed under paragraph (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b) (2), (3), and (4) of this section shall be reported in accordance with § 86.085-21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

16. A new § 86.513-87 is added to Subpart F, to read as follows:

§ 86.513-87 Fuel and engine lubricant specifications.

(a) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer for emission testing except that the octane specifications do not apply.

Item	ASTM	Leaded	Unleaded
Octane, research, min.	D2699	100	96
Pb (organic), g/liter (g/U.S. gal.)	D3237	¹ 0.026 (0.100 max)	¹ 0.013 (0.050 max)
Distillation Range:			
IBP, °C (°F)	D86	23.9-35 (75-95)	23.9-35 (75-95)
10 pct. point, °C (°F)		48.9-57.2 (120-135)	48.9-57.2 (120-135)
50 pct. point, °C (°F)		93.3-110 (200-230)	93.3-110 (200-230)
90 pct. point, °C (°F)		148.9-162.8 (300-325)	148.9-162.8 (300-325)
EP, °C (°F)		212.8(415)	212.8(415)
Sulfur, wt. pct., max.	D1266	0.10	0.10
Phosphorus, g/liter (g/U.S. gal.), max.		0.0026 (0.01)	0.0013 (0.005)
RVP, kPa (psi)	D323	55.2-63.4 (8.0-9.2)	55.2-63.4 (8.0-9.2)
Hydrocarbon composition:			
Olefins, pct., max.	D1319	10	10
Aromatics, pct., max.		35	35
Saturates		(²)	(²)

¹ Maximum.

² Remainder.

(b) (1) Gasoline and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in service accumulation.

(2) For leaded fuel the lead content shall not exceed 0.100 gram lead per gallon leaded gasoline.

(3) Where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content.

(4) The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer.

(5) The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season in which the service accumulation takes place.

(6) If the manufacturer specifies several lubricants to be used by the ultimate purchaser, the Administrator will select one to be used during service accumulation.

(c) The specification range of the fuels and engine lubricants to be used under paragraph (b) of this section shall be reported in accordance with § 86.416.

(d) The same lubricant(s) shall be used for both service accumulation and emission testing.

(e) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

17. Section 86.609 of Subpart G is amended by revising paragraph (a) to read as follows:

§ 86.609 Calculation and reporting of test results.

(a) Initial test results are calculated following the Federal Test Procedure specified in paragraph (a) of § 86.608. Round the initial test results, in accordance with ASTM E 29-67, to the number of decimal places contained in the applicable emission standard expressed to one additional significant figure.

* * * * *

18. A new § 86.1213-87 is added to Subpart M, to read as follows:

§ 86.1213-87 Fuel specifications.

(a) Gasoline having the following specifications will be used in emissions testing.

Item	ASTM	Leaded	Unleaded
Octane, research, min.	D2699	98	93

Item	ASTM	Leaded	Unleaded
Sensitivity, min.		7.5	7.5
Lead (organic), g/U.S. gal. (g/liter)	D3237	¹ 0.100 (0.026)	¹ 0.050 (0.013)
Distillation range:			
IBP, °F	D86	75-95 (23.9-35)	75-95 (23.9-35)
10 pct. point, °F	D86	120-135	120-135
50 pct. point, °F	D86	(48.9-57.2)	(48.9-57.2)
90 pct. point, °F	D86	200-230	200-230
EP, °F (max)	D86	(93.3-110)	(93.3-110)
(°C)		300-325	300-325
EP, °F (max)	D86	(148.9-162.8)	(148.9-162.8)
(°C)		415	415
Sulphur, wt. pct., max.	D1266	0.10	0.10
Phosphorus, g/U.S. gal. max. (g/liter)		0.01 (0.0026)	0.005 (0.0013)
RVP, psi (kPa)	D323	8.7-9.2 (60.0-63.4)	8.7-9.2 (60.0-63.4)
Hydrocarbon composition:			
Olefins, pct., max.	D1319	10	10
Aromatics, pct., max.	D1319	35	35
Saturates	D1319	(²)	(²)

¹ Maximum.

² Remainder.

(b)(1) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation.

(2) For leaded gasoline the lead content shall not exceed 0.100 gram per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content.

(3) The octane rating of the gasoline used shall be no higher than 1.0 research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(4) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(c) The specification range of the gasoline to be used under paragraph (b) of this section shall be recorded.

19. Section 86.1310-88 of Subpart N is amended by revising paragraph (b)(6)(ii)(E), removing existing paragraphs (b)(6)(ii)(G) and (b)(6)(ii)(H), and redesignating paragraph (b)(6)(ii)(I) as paragraph (b)(6)(ii)(G), and revising it to read as follows:

§ 86.1310-88 Exhaust gas sampling and analytical system; diesel engines.

(b) * * *

(8) * * *

(ii) * * *

(E) Additional dilution air must be provided so as to maintain a sample temperature of 125°F (51.7°C) or less immediately before the primary sample filter.

(G) Other sampling flow handling and/or measurement systems may be used if shown to yield equivalent results and if approved in advance by the Administrator

20. A new § 86.1313-87 is added to Subpart N, to read as follows:

§ 86.1313-87 Fuel specifications.

(a) *Gasoline*. (1) Gasoline having the specifications listed in Table N87-1 will be used by the Administrator in exhaust emission testing. Gasoline having these specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust emission testing, except that the octane specifications do not apply.

TABLE N87-1

Item	ASTM	Leaded	Unleaded
Octane, research, min.	D2699	98	93
Sensitivity, min.		7.5	7.5
Pb (organic), g/U.S. gal. (g/liter).	D3237	¹ 0.100 ² (0.026)	¹ 0.050 ² (0.013)
Distillation range:			
IBP, °F	D86	75-95	75-95
(°C)		(23.9-35)	(23.9-35)
10 pct. point, °F	D86	120-135	120-135
(°C)		(48.9-57.2)	(48.9-57.2)
50 pct. point, °F	D86	200-230	200-230
(°C)		(93.3-110)	(93.3-110)
90 pct. point, °F	D86	300-325	300-325
(°C)		(148.9-162.8)	(148.9-162.8)
EP, °F, max.	D86	415	415
(°C)		(212.8)	(212.8)
Sulphur, wt. pct., max.	D1266	0.10	0.10
Phosphorus, g/U.S. gal., max. (g/liter).		0.01 (0.0026)	0.005 (0.0026)
RVP, psi (kPa)	D323	8.7-9.2 (60.0-63.4)	8.7-9.2 (60.0-63.4)
Hydrocarbon composition:			
Olefins, pct., max.	D1319	10	10
Aromatics, pct., max.	D1319	35	35
Saturates	D1319	(²)	(²)

¹ Maximum.
² Remainder.

(2) Gasoline representative of commercial gasoline which is generally

available through retail outlets shall be used in service accumulation.

(i) For leaded fuel the lead content shall not exceed 0.100 gram lead per gallon leaded gasoline.

(ii) Where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of gasoline with a different lead content.

(iii) The octane rating of the gasoline used shall be not higher than one research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers for unleaded fuel and 7.0 octane numbers for leaded fuel, where sensitivity is defined as the Research octane number minus the Motor octane number.

(iv) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a) (2) of this section shall be reported in accordance with § 86.084-21(b) (3).

(b) *Diesel fuel*. (1) The diesel fuel employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the specifications in Table N87-2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 1-D" or "Type 2-D" grade diesel fuel shall be used.

TABLE N87-2

Item	ASTM	Type 1-D	Type 2-D
Cetane	D613	48-54	42-50
Distillation range:			
IBP, °F	D86	330-390	340-400
(°C)		(165.6-198.9)	(171.1-204.4)
10 pct. point, °F	D86	370-430	400-460
(°C)		(187.8-221.1)	(204.4-237.8)
50 pct. point, °F	D86	410-480	470-540
(°C)		(210-248.9)	(243.3-282.2)
90 pct. point, °F	D86	460-520	550-610
(°C)		(237.8-271.1)	(287.8-321.1)
EP, °F	D86	500-560	580-660
(°C)		(260.0-293.3)	(304.4-348.9)
Gravity, ° API	D287	40-44	33-37
Total sulfur, pct.	D129 or D2622	0.05-0.20	0.20-0.50

TABLE N87-2—Continued

Item	ASTM	Type 1-D	Type 2-D
Hydrocarbon composition:			
Aromatics, pct.	D1319	8	27
Paraffins, naphthenes, olefins	D1319	(²)	(²)
Flashpoint, ° F (min.)	D63	120	130
(° C)		(48.9)	(54.4)
Viscosity, centistokes	D445	1.6-2.0	2.0-3.2

¹ Minimum.
² Remainder.

(3) Diesel fuel meeting the specifications in Table N87-3, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D" grade diesel fuel shall be used:

TABLE N87-3

Item	ASTM	Type 1-D	Type 2-D
Cetane	D613	42-56	30-58
Distillation range:			
90 pct. point, ° F	D86	440-530	540-630
(° C)		(226.7-276.7)	(282.2-332.2)
Gravity, ° API	D287	39-45	30-42
Total sulfur, pct., min.	D129 or D2622	0.05	0.20
Flashpoint, ° F, min.	D93	120	130
(° C)		(48.9)	(54.4)
Viscosity, centistokes	D455	1.2-2.2	1.5-4.5

(4) Other petroleum distillate fuels may be used for testing and service accumulation provided that:

(i) They are commercially available;

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service;

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability;

(iv) Written approval from the Administrator of the fuel specifications is provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3) and (b)(4) of this section shall be reported in accordance with § 86.085-21(b)(3).

21. Section 86.1342-84 is amended by revising paragraph (c)(3) to read as follows:

§ 86.1342-84 Calculations, exhaust emissions.

(c) * * *

$$CO_{mass} = \sum_{i=1}^n \left[\frac{(CO_e)_i}{10^6} \times (V_{mix})_i \times (Density_{CO}) \times (\Delta T/T) \right] - \left[\frac{CO_d(1 - \frac{1}{DF})}{10^6} \times (V_{mix}) \times (Density_{CO}) \right]$$

22. Section 86.1342-84 of Subpart N is amended by revising paragraph (d)(3), to read as follows:

§ 86.1342-84 Calculations; exhaust emissions.

(d) * * *

(3) CO_{mass} = Carbon monoxide emissions, grams per test phase.

$Density_{CO}$ = Density of carbon monoxide is 32.97 g/ft³ (1.164 kg/m³), at 68 °F (20 °C) and 760 mm Hg (101.3 kPa) pressure.

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO₂ extraction, ppm.

$CO_{conc} = CO_e - CO_d(1 - 1/DF)$.

Where:

CO_e = Carbon monoxide concentration of the dilute exhaust bag sample volume corrected for water vapor and carbon dioxide extraction, ppm. For flow compensated sample systems, $(CO_e)_i$ is the instantaneous concentration. (The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.)

$CO_e = [1 - 0.01925CO_{2e} - 0.000323R]CO_{em}$

Where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured, ppm.

CO_{2e} = Carbon dioxide concentration of the dilute exhaust bag sample, in percent, if measured. For flow compensated sample systems, $(CO_{2e})_i$ is the instantaneous concentration. For cases where exhaust sampling of CO₂ is not performed, the following approximation is permitted:

$$CO_{2e} = \left(\frac{44.010}{12.011 + (1.008\alpha)} \right) \times \left(\frac{M'(453.6)}{Density_{CO_2}} \right) \times \left(\frac{100}{V_{mix}} \right)$$

α = Average carbon to hydrogen ratio.

M' = Fuel mass consumed during the test cycle.

R = Relative humidity of the dilution air, percent.

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, ppm.

$CO_d = (1 - 0.000323R)CO_{dm}$

Where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, ppm.

Note: If a CO instrument which meets the criteria specified in § 86.1311-84 is used and the conditioning column has been deleted, CO_{em} must be substituted directly for CO_e and CO_{dm} must be substituted directly for CO_d .

23. A new § 86.1513-87 is added to Subpart P, to read as follows:

§ 86.1513-87 Fuel specifications.

The requirements of this section are set forth in § 86.1313-87(a) for heavy-duty engines, and in § 86.113-87(a) for light-duty trucks.

24. Section 86.1544-84 of Subpart P is amended by revising paragraph (a), to read as follows:

§ 86.1544-84 Calculation; idle exhaust emissions.

(a) The final idle emission test results shall be reported as percent for carbon monoxide on a dry basis.

25. Appendix II to Part 86 is amended by revising item 11, to read as follows:

Appendix II—Procedure for Dynamometer Road Horsepower Calibration

11. Calculate adsorbed road horsepower from:

$$HP_d = (1/2)(W_i/32.2)(V_1^2 - V_2^2)/(550t)$$

$$HP_d = 0.06073(W_i/t)$$

Where:

W_i = Equivalent inertia in lb.

V_1 = Initial velocity in ft/sec (55 mph = 80.67 ft/sec).

V_2 = Final velocity in ft/sec (45 mph = 66 ft/sec).

t = Elapsed time for rolls to coast from 55 mph to 45 mph.

[FR Doc. 86-15055 Filed 7-3-86; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL 2971-8(a)]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicles Engines, Certification and Test Procedures; Gasoline Lead Content

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the gasoline lead content specifications of 40 CFR Part 86 (Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines; Certification and Test Procedures). The proposed revisions would require the use of unleaded gasoline in all emissions testing of gasoline-fueled light-duty vehicles, light-duty trucks, motorcycles and heavy-duty gasoline engines effective with the 1988 model year.

DATES: If requested, EPA will conduct a public hearing on the Notice of Proposed Rulemaking in Ann Arbor, MI at a date which will be announced. Comments on this proposal will be accepted until September 5, 1986.

ADDRESS: In the event of a public hearing, it will be held in the Conference Room of the Environmental Protection Agency Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan. Interested parties may submit written comments to Public Docket No. A-85-28, at: Central Docket Section (A-130), Environmental Protection Agency, Attention: Docket No. A-85-28, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: F. Peter Hutchins, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone: (313) 668-4340.

SUPPLEMENTARY INFORMATION:

I. Background

In one fashion or another, EPA has been involved with the regulation of lead in gasoline since the early 1970's. Considering available scientific, medical, economic, and technological data concerning the use of lead additives in motor vehicle gasolines and the use of catalyst-based emission control systems sensitive to lead poisoning, the Agency published a number of rulemakings requiring the general availability of unleaded gasoline and limiting the lead content of leaded

gasolines. Most recently, EPA established a 0.10 gram of lead per gallon (g/gal) limit (March 7, 1985, 50 FR 9386), effective January 1, 1986.* In addition to the promulgated 0.10 g/gal standard, EPA also published a Supplemental Notice of Proposal Rulemaking (50 FR 9400, March 7, 1985) which proposed the banning of lead as a gasoline additive effective no later than 1995 and possibly as early as January 1, 1988.

II. Description of the Proposed Action

This action proposes revisions to 40 CFR Part 86 in order to require the use of unleaded gasoline in all emissions testing of gasoline-fueled light-duty vehicles, light-duty trucks, motorcycles and heavy-duty gasoline engines. Such revisions are being proposed for gasoline used in 1988 and later model year test vehicles and engines. Leaded gasoline will be prohibited for all new motor vehicle and engine tests conducted by the Administrator or by the manufacturer; leaded gasoline will also be prohibited for use in durability testing. The specific changes proposed are listed in the Appendix to this notice.

The effect of today's proposed action is to ensure that 1988 and later model year vehicles and engines will be designed for the use of unleaded fuel thereby negating any need for commercial leaded gasoline for use in 1988 and later model year vehicles and engines. Unleaded gasoline has been used almost exclusively in emissions certification testing of light-duty vehicles since 1975 and exclusively in both light-duty vehicles and light-duty trucks since the 1980 model year. However, some gasoline-fueled heavy-duty engines and some motorcycles are still tested with leaded fuel. By requiring the use of unleaded gasoline in all emissions tests and in all service accumulation (i.e., durability testing), this action will ensure that the emissions performance of future model year vehicles and engines will not be adversely affected by a possible ban of leaded commercial gasoline.

III. Impacts of the Proposal

The prohibition of the use of leaded gasoline in emissions test vehicles and engines will not have any adverse environmental impact. On the contrary, as stated above, by requiring all gasoline-fueled vehicles and engines to be designed for unleaded fuel use, the

* To bring the gasoline used in all emissions and fuel economy tests into compliance with this level, EPA is taking interim final action elsewhere in this issue of the *Federal Register* to limit the lead content for leaded gasoline used in 1987 model year emissions vehicles and engines to 0.10 g/gal.

proposed action is consistent with EPA's proposal to eliminate the use of lead as a gasoline additive, thus preventing adverse health effects and reducing the misuse of leaded gasoline in vehicles designed for unleaded gasoline. The environmental effects of leaded gasoline usage are further described in the March 7, 1985 final rulemaking and proposed rulemaking (50 FR 9386 and 50 FR 9400).

EPA does not believe that this proposed change will have any adverse economic or technological impacts upon the manufacturers. As noted above, leaded gasoline has not been used in emission certification testing of light-duty vehicles and light-duty trucks since the 1980 model year. In the case of motorcycles, most manufacturers have, for several years, specified that either leaded or unleaded gasoline may be used in their products. Starting with the 1986 model year, all manufacturers of motorcycles which do not already require the use of unleaded gasoline because of their emission control systems, specify in their owner's manuals that either unleaded or leaded gasoline may be used in those motorcycles. Implementation of the proposed change would, therefore, have no effect on those manufacturers.

In the case of heavy-duty gasoline engines there have been some differences between manufacturers in the past regarding the fuel specified for use by the owner/operator of the engines. Ford has, for several years, specified that either leaded or unleaded gasoline may be used in its products. General Motors has recommended to its customers that unleaded gasoline not be used exclusively. Chrysler recommends, in its 1985 model year owner manuals, that either leaded or unleaded gasoline may be used in vehicles not equipped with a catalyst provided the octane rating of the fuel is appropriate.

Compliance with hydrocarbon and carbon monoxide emission standards applicable to the 1987 and later model year heavy-duty gasoline engines (HDGE) is expected to require the use of oxidation catalyst technology on the majority of HDGEs and, consequently, to require the use of unleaded gasoline. However, for those HDGEs not requiring the use of unleaded gasoline to meet the 1987 emission standards, the potential problem of long-term unleaded fuel use involves valve-seat recession. Specifying the use of unleaded gasoline for test purposes will not, however, affect either a manufacturer's selection of emission control technology or the performance of vehicles in use.

From the preceding information EPA has concluded that manufacturers of

light-duty vehicles, light-duty trucks, motorcycles and heavy-duty gasoline engines will not require the use of leaded gasoline in 1987 and later model year products.

IV. Public Participation

EPA solicits comments on today's proposal from all interested parties. Whenever applicable, full supporting data and detailed analyses should also be submitted to allow EPA to make maximum use of the comments. Comments are specifically requested in the following areas: leadtime, redesign requirements and any significant costs associated with the necessary redesign requirements.

Any person desiring to present testimony regarding this proposal at a public hearing should notify the contact person listed above of such interest. The contact person should also be given an estimate of the time required for the presentation of testimony and notification of any need for audio/visual equipment.

In the event that a public hearing is requested, Mr. Richard D. Wilson, Director of the Office of Mobile Sources, is hereby designated Presiding Officer of the hearing. The hearing will be conducted informally, and technical rules of evidence will not apply. Written transcripts of the hearing will be made. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceedings.

V. Statutory Authority

EPA's authority to determine the gasoline specifications of the test procedures is provided in the Clean Air Act. Section 206(a)(1) of the Act confers broad authority on the Administrator to "test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act."

In addition, section 301(a) provides in part that "the Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act."

VI. Additional Information

A. Administrative Designation and Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation does not meet

the criteria for "Major"; it will not result in increased costs or prices for consumers, industries, or others; it will not have an annual effect of \$100 million or more; nor should it have adverse effects on competition, employment, investment, or production. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA responses to those comments will be placed in the rulemaking docket.

B. Reporting and Recordkeeping Requirements

The information collection requirements contained in the rules which this action amends have been approved by OMB and assigned OMB Control Number 2060-0104. The amendments contained in this final rule have no impact on the reporting or recordkeeping burden.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a proposed regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The amendments of this proposed rulemaking will not increase the burden or cost of compliance for the industry or any other group. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Gasoline, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: June 12, 1986.

Lee M. Thomas,
Administrator.

APPENDIX—TABLE OF SPECIFIC CHANGES

Section	Change	Reason
1. 86.113-88	Added § 86.113-88	Specify that unleaded gasoline be the only gasoline used in all test vehicles and test engines.
2. 86.513-88	Added § 86.513-88	Same as 1 above.
3. 86.1213-88	Added § 86.1213-88	Same as 1.
4. 86.1313-88	Added § 86.1313-88	Do.
5. 86.1513-88	Added § 86.1513-88	Do.

For the reasons set forth in the preamble, 40 CFR Part 86 is proposed to be amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for Part 86 continues to read as follows:

Authority: 42 U.S.C. 7525, 7541 and 7601.

2. A new § 86.113-88 is added to Subpart B, to read as follows:

§ 86.113-88 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specification or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing except that octane specifications do not apply.

Item	ASTM	Value
Octane, research, min	D2699	93
Sensitivity, min		7.5
Lead (organic), g/U.S. gal. (g/liter)	D3237	0.050 (0.013)
Distillation Range:		
IBP, 2 °F	D86	75-95
(°C)		(23.9-35)
10 pct. point, °F	D86	120-135
(°C)		(48.9-57.2)
50 pct. point, °F	D86	200-230
(°C)		(93.3-110)
90 pct. point, °F	D86	300-325
(°C)		(148.9-162.8)
EP, °F, max	D86	415
(°C)		(212.8)
Sulfur, wt. pct., max	D1266	0.10
Phosphorus, g/U.S. gal., max (g/liter)	D3231	0.005 (0.0013)
RVP, 3, 4, psi (kPa)	D323	6.7-9.2 (60.8-63.4)
Hydrocarbon composition:		
Olefins, pct., max	D1319	10
Aromatics, pct., max	D1319	35
Saturates	D1319	(*)

* Maximum.

* For testing at altitudes above 1,219 m (4,000 ft), the specified range is 75-105 °F (23.9-40.6 °C).

* For testing which is unrelated to evaporative emission control, the specified range is 8.0-9.2 psi (55.2-63.4 kPa).

* For testing at altitudes above 1,219 m (4,000 ft), the specified range is 7.9-9.2 psi (54.4-63.4 kPa).

* Remainder.

(2) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. Leaded gasoline will not be used in service accumulation.

(i) The octane rating of the gasoline used shall be no higher than one research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research

octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.085-21(b)(3).

(b) *Diesel fuel.* (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant and biocide.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2-D" grade diesel, shall be used.

Item	ASTM Test Method No.	Type 2-D
Cetane Number.....	D613, D86	40-45
Distillation range:		
IBP, °F.....		340-400
(°C).....		(171.1-240.4)
10 pct. point, °F.....		400-460
(°C).....		(204.4-237.8)
50 pct. point, °F.....		470-540
(°C).....		(243.3-282.2)
90 pct. point, °F.....		550-610
(°C).....		(287.8-321.1)
EP, °F.....		580-660
(°C).....		(304.4-348.9)
Gravity, °API.....	D267	33-37
Total sulfur, pct.....	D129 or D2622	0.2-0.5
Hydrocarbon composition:	D1319	
Aromatics, pct., min.....		27
Paraffins, naphthenes, olefins.....		(¹)
Flashpoint, °F, min.....	D93	130
(°C).....		(54.4)
Viscosity, centistokes.....	D445	2.0-3.2

¹ Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2-D" grade diesel fuel, shall be used.

Item	ASTM Test Method No.	Type 2-D
Cetane Number.....	D613	38-58
Distillation range:		
90 pct. point °F.....	D86	430-630
(°C).....		(221.1-332.2)
Gravity, °API.....	D287	30-42
Total sulfur, pct., min.....	D129 or D2622	0.20

Item	ASTM Test Method No.	Type 2-D
Flashpoint, °F, min.....	D93	130
(°C).....		(54.4)
Viscosity, centistokes.....	D455	1.5-4.5

(4) Other petroleum distillate fuel specifications:

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraph (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b) (2), (3), and (4) of this section shall be reported in accordance with § 86.085-21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

3. A new § 86.513-88 is added to Subpart F, to read as follows:

§ 86.513-88 Fuel and engine lubricant specifications.

(a) Gasoline having the following specifications will be used by the Administrator in exhaust emissions testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer for emission testing except that the octane specifications do not apply.

Item	ASTM	Value
Octane, research, min.....	D2699	96
Lead (organic), g/liter (g/U.S. gal.).....	D3237	10.13 (0.050)
Distillation Range:		
IBP, °C (°F).....	D86	23.9-35 (75-95)
10 pct. point, °C (°F).....	D86	48.9-57.2 (120-135)
50 pct. point, °C (°F).....	D86	93.3-110 (200-230)
90 pct. point, °C (°F).....	D86	148.9-162.8 (300-325)
EP, °C (°F).....	D86	212.8 (415)
Sulfur, wt. pct., max.....	D1266	0.10
Phosphorus, g/liter (g/U.S. gal.), max.....	D3231	0.0013 (0.005)
RVP, kPa (psi).....	D323	55.2-63.4 (8.0-9.2)
Hydrocarbon composition:		
Olefins, pct., max.....	D1319	10
Aromatics, pct., max.....	D1319	35
Saturates.....	D1319	(²)

¹ Maximum.
² Remainder.

(b) (1) Unleaded gasoline and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in service accumulation.

(2) The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer.

(3) The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season which the service accumulation takes place.

(4) If the manufacturer specified several lubricants to be used by the ultimate purchaser, the Administrator will select one to be used during service accumulation.

(c) The specification range of the fuels and engine lubricants to be used under paragraph (b) of this section shall be reported in accordance with § 86.416.

(d) The same lubricant(s) shall be used for both service accumulation and emission testing.

(e) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

4. A new § 86.1213-88 added to Subpart M, to read as follows:

§ 86.1213-88 Fuel specifications.

(a) Gasoline having the following specifications will be used in emissions testing.

Item	ASTM	Value
Octane, research, min.....	D2699	93
Sensitivity, min.....		7.5
Lead (organic), g/U.S. gal. (g/liter).....	D3237	10.050 (0.013)
Distillation range:		
IBP, °F.....	D86	75-95 (23.9-35)
(°C).....		
10 pct. point, °F.....	D86	120-135 (48.9-57.2)
(°C).....		
50 pct. point, °F.....	D86	200-230 (93.3-110)
(°C).....		
90 pct. point, °F.....	D86	300-325 (148.9-162.8)
(°C).....		
EP, °F (max.).....	D86	415 (212.8)
(°C).....		
Sulfur, wt. pct., max.....	D1266	0.10
Phosphorus, g/U.S. gal., max. (g/liter).....	D3231	0.005 (0.0013)
RVP, psi (kPa).....	D323	8.7-9.2 (60.0-63.4)
Hydrocarbon composition:		
Olefins, pct., max.....	D1319	10
Aromatics, pct., max.....	D1319	35
Saturates.....	D1319	(²)

¹ Maximum.
² Remainder.

(b) (1) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation.

(2) The octane rating of the gasoline used shall be no higher than 1.0 research octane number above the minimum

recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(3) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(c) The specification range of the gasoline to be used under paragraph (b) of this section shall be recorded.

5. A new § 86.1313-88 is added to Subpart N, to read as follows:

§ 86.1313-88 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the specifications listed in Table N88-1 will be used by the Administrator in exhaust emission testing. Gasoline having these specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust emission testing, except that the octane specifications do not apply.

TABLE N88-1

Item	ASTM	Value
Octane, research, min	D2699	93
Sensitivity, min		7.5
Lead (organic), g/U.S. gal. (g/liter)	D32300	¹ 0.050 ¹ (0.013)
Distillation range:		
IBP, °F	D86	75-95
(°C)		(23.9-35)
10 pct. point, °F	D86	120-135
(°C)		(48.9-57.2)
50 pct. point, °F	D86	200-230
(°C)		(93.3-110)
90 pct. point, °F	D86	300-325
(°C)		(148.9-162.8)
EP, °F, max	D86	415
(°C)		(212.8)
Sulfur, wt. pct., max	D1266	0.10
Phosphorus, g/U.S. gal., max (g/liter)	D3231	0.005 (0.0026)
RVP, psi (kPa)	D323	8.7-9.2 (60.0-63.4)
Hydrocarbon composition:		
Olefins, pct., max	D1319	10
Aromatics, pct., max	D1319	35
Saturates	D, 1319	(²)

¹ Maximum.
² Remainder.

(2) Unleaded gasoline representative of commercial gasoline which is generally available through retail outlets shall be used in service accumulation.

(i) The octane rating of the gasoline used shall be not higher than one research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where

sensitivity is defined as the Research octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a)(2) of this section shall be reported in accordance with § 86.084-21(b)(3).

(b) *Diesel fuel.* (1) The diesel fuel employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant and biocide.

(2) Diesel fuel meeting the specifications in Table N88-2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 1-D" or "Type 2-D" grade diesel fuel shall be used.

TABLE N88-2

Item	ASTM	Type 1-D	Type 2-D
Cetane	D613	48-54	40-45
Distillation range:			
IBP, °F	D86	330-390	340-400
(°C)		(165.6-198.9)	(171.1-204.4)
10 pct. point, °F	D86	370-430	400-460
(°C)		(187.8-221.1)	(204.4-237.8)
50 pct. point, °F	D86	410-480	470-540
(°C)		(210-248.9)	(243.3-282.2)
90 pct. point, °F	D86	460-520	550-610
(°C)		(237.8-271.1)	(287.8-321.1)
EP, °F	D86	500-560	580-660
(°C)		(260.0-293.3)	(304.4-348.9)
Gravity, °API	D287	40-44	(33-37)
Total sulfur, pct.	D129 or D2622	0.05-0.20	0.20-0.50
Hydrocarbon composition:			
Aromatics, pct.	D1319	¹ 8	¹ 27
Paraffins, naphthenes, olefins	D1319	(²)	(²)
Flashpoint, °F (min.)	D93	120	130
(°C)		(48.9)	(54.4)
Viscosity, centistokes	D445	1.6-2.0	2.0-3.2

¹ Minimum.
² Remainder.

(3) Diesel fuel meeting the specifications in Table N88-3, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D" grade diesel fuel shall be used:

TABLE N88-3

Item	ASTM	Type 1-D	Type 2-D
Cetane	D613	42-56	30-58
Distillation range:			
90 pct. point, °F	D86	440-530	540-630
(°C)		(226.7-276.7)	(282.2-332.2)
Gravity, °API	D287	39-45	30-42
Total sulfur, pct. min.	D129 or D2622	0.05	0.20
Flashpoint, °F, min.	D93	120	130
(°C)		(48.9)	(54.4)
Viscosity, centistokes	D455	1.2-2.2	1.5-4.5

(4) Other petroleum distillate fuels may be used for testing and service accumulation provided that:

(i) They are commercially available;

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service;

(iii) Use of a fuel listed under paragraphs (b)(2) and (b) (3) of this section would have a detrimental effect on emissions or durability;

(iv) Written approval from the Administrator of the fuel specifications is provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.085-21(b)(3).

6. A new § 86.1513-44 is added to Subpart P, to read as follows:

§ 86.1513-88 Fuel specifications.

The requirements of this section are set forth in § 86.1313-88(a) for heavy-duty engines, and in § 86.113-88(a) for light-duty trucks.

[FR Doc. 86-15056 Filed 7-3-86; 8:45 am]

BILLING CODE 6560-50-M

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text is organized into several columns and appears to be a formal document or report.]

Estimate
1986
Federal

Monday
July 7, 1986

Part III

**Department of
Health and Human
Services**

Office of Human Development Services

National Center on Child Abuse and
Neglect; Availability of Fiscal year 1986
Financial Assistance

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13670-861]

National Center on Child Abuse and Neglect; Availability of Fiscal Year 1986 Financial Assistance

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (DHHS).

ACTION: Announcement of the availability of fiscal year 1986 financial assistance for the establishment and operation of a national information and resource clearinghouse.

SUMMARY: The Administration for Children, Youth and Families (ACYF), National Center on Child Abuse and Neglect (NCCAN), announces the availability of Fiscal Year 1986 grant funds to establish and operate a national information and resource clearinghouse which will provide information on community, regional and national resources for the provision of services and treatment for disabled infants with life-threatening conditions.

DATE: The closing date for receipt of applications under this announcement is August 26, 1986.

FOR FURTHER INFORMATION CONTACT: Betty Simmons, ACYF, National Center on Child Abuse and Neglect, P.O. Box 1182, Washington, DC 20013, Telephone: (202) 245-2856.

SUPPLEMENTARY INFORMATION:

Purpose of this Announcement

The purpose of this announcement is to solicit applications from public or private nonprofit organizations for grant funds to establish and operate a national information and resource clearinghouse for the purpose of providing the most current and complete national, regional, and local information concerning medical treatment and community resources for the provision of services and treatment for disabled infants with life-threatening conditions.

Background

Program Description

The Child Abuse Prevention and Treatment Act (Pub. L. 93-247, 42 U.S.C. 5101, *et seq.*) was signed into law in 1974. It established, in the Department of Health, Education, and Welfare (now Health and Human Services), the National Center on Child Abuse and Neglect. The National Center is located organizationally within the Children's

Bureau of the Administration for Children, Youth and Families in the Office of Human Development Services.

Under this Act and its subsequent amendments, the National Center:

- Makes grants to States to implement State child abuse and neglect prevention and treatment programs;
- Funds public and nonprofit private organizations to carry out research, demonstration, and service improvement programs and projects designed to prevent, identify and treat child abuse and neglect;
- Collects, analyzes, and disseminates information, and maintains an information clearinghouse;
- Assists States communities in implementing child abuse and neglect programs; and
- Coordinates Federal programs and activities, in part through the Advisory Board on Child Abuse and Neglect.

The Act has been extended and amended several times since its passage. Regulations for the State grant and discretionary fund programs are found at 45 CFR Part 1340. The fifty States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Republic of Palau are eligible to apply for State grants.

State Child Protective Services System

Under section 4(b)(1) of the Act, the Secretary, through the National Center, is authorized to make grants to States to assist them in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs. Funds from the State grant program are used to support the activities of the State Child Protective Services (CPS) system. The State CPS agency is typically the agency designated by the State to respond to reports of child abuse and neglect, particularly reports of intra-family abuse. All States provide child protective services whether they receive State grant funds under the Act or not.

The CPS agency receives reports of abuse and/or neglect; assures prompt investigation of reports by the CPS agency or other properly constituted authority, including referrals to law enforcement officials; and provides treatment and services. In cases of intra-family abuse, the focus of the agency's efforts is on the family—to protect the child, prevent further abuse or neglect, preserve the home, prevent separation of the child from the family if at all possible, and alleviate or correct the factors leading to the report. The agency generally regards its contact with the family as a demonstration of community

concern and evidence of a desire to be help to both parents and children. Alternatively, the focus of the law enforcement agency's investigation may be criminal prosecution.

Anyone in a State may report known or suspected abuse or neglect, and many professional groups are mandated to report by State law. Local telephone directories typically list child protective service agencies or hot line numbers. State-wide 24 hour hot lines are operated in some States and are widely publicized.

However, the Act does not require that the State CPS agency must be the only State agency responsible for investigating all reports of child abuse or neglect, whether such abuse or neglect occurs within or outside the family setting, although this is permissible. The Act does require States to designate an agency or agencies to receive and investigate reports of child abuse or neglect. Thus, a State may designate child protective services, law enforcement, licensing, or other appropriate agencies to receive and/or investigate such reports. We recognize that law enforcement, licensing, mental health, and protective service agencies have critical roles to play in addressing the problems associated with abuse and neglect.

Investigations, services, and other activities may be provided cooperatively by CPS agency staff, by law enforcement agencies, by multidisciplinary teams (some of which are located in major hospitals), and by utilizing the services of other public and voluntary agencies in the community. Most CPS workers have specialized training, and multidisciplinary teams often include expertise in medicine, law and law enforcement, as well as in social work.

The Child Abuse Amendments of 1984: State Agency Provisions

The Child Abuse Amendments of 1984 (Pub. L. 98-457), established, among other provisions, a new eligibility requirement for basic State grants under the Act.

This requirement, found in a new clause (K) in section 4(b)(2), mandates that, as a condition of receiving State grant funds under the Act, States must establish programs and/or procedures within the State's child protective services system to respond to reports of medical neglect, including reports of the withholding of medically indicated treatment from disabled infants with life-threatening conditions ("Baby Doe").

This legislation was the product of an extraordinary effort on the part of several Senators and Congressmen and representatives of a wide range of medical, professional, right-to-life and disability advocacy organizations to forge a substantial consensus on an effective and workable program to assure the provision of appropriate medical care to disabled infants with life-threatening conditions.

On April 15, 1985, the Department issued final rules implementing this new requirement, as well as Model Guidelines for Health Care Providers to Establish Infant Care Review Committees (50 FR 14878).

The 1984 Amendments also added a new section 4(c) authorizing a program of grants to assist States to meet the requirements of clause (K) and authorized the Department to fund training, technical assistance, and clearinghouse activities to improve the provision of services to these infants and their families.

Under section 4(c), grants may be made to States for the purpose of developing, establishing, operating or implementing: (1) The programs and/or procedures required under section 4(b)(2)(K); (2) information and education or training programs for professional and paraprofessional personnel (including child protection services and health care personnel) and parents of disabled infants with life-threatening conditions to improve the provision of services to such infants; and (3) programs to help in obtaining or coordinating necessary services, including assisting families to access existing social and health services, financial assistance, and services to facilitate the adoptive placement of such infants who have been relinquished for adoption.

In Fiscal Year 1985, \$9 million in basic State grants was made available to eligible States for the purpose of developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs. An additional \$3 million was made available to all States for the purpose of developing, establishing and implementing the procedures and programs relating to the protection of disabled infants with life-threatening conditions. Additionally, \$500,000 was made available to States for training and technical assistance grants. The purpose of those grants was to develop and implement information and education programs for professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions and for the parents of such infants. These included personnel employed in

child protective service programs and health-care facilities.

The Child Abuse Amendments of 1984: National Clearinghouse Provisions

Under section 4(c)(2)(A)(ii) of the Act, the Department must provide for the establishment and operation of a national information and resource clearinghouse. This clearinghouse must provide the most current and complete information regarding medical treatment procedures and resources as well as complete information on community resources available for the provision of services and treatment for disabled infants with life-threatening conditions. The clearinghouse must be responsible for compiling, maintaining, updating, and disseminating regional directories of community services and resources as well as the names and telephone numbers of State and local medical organizations. It must also assist in coordinating the availability of appropriate regional education resources for health-care personnel. The primary purpose of the clearinghouse efforts is to assist physicians, other professionals, and parents in providing treatment and services to disabled infants with life-threatening conditions.

Implementation of the National Clearinghouse Requirement

Description of National Clearinghouse

The purpose of this national clearinghouse is to provide easily accessible information to parents and families of disabled infants with life-threatening conditions, physicians who provide medical care to these infants, and other professionals and advocates.

A number of hot lines and information and referral services are currently in operation or under development. In establishing this "Baby Doe" related clearinghouse, we do not wish to duplicate existing information services but to build on those systems and networks which are already in operation. Our purpose is to provide this additional service to families and professionals in the most efficient, cost-effective manner.

Project Tasks

In order to accomplish the purpose of this announcement, the grantee will be required to establish, operate and maintain a national computerized clearinghouse for information and referrals which is capable of compiling, maintaining, updating, and disseminating a wide-range of information on community, regional and national resources for the provision of services and treatment for disabled

infants with life-threatening conditions. The clearinghouse should have the capability of responding efficiently and expeditiously to inquiries from the general public and the professional community by mail, telephone, or telecommunications systems as appropriate.

The medical information provided should use the uniform diagnostic language of the International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM).

The data base of the clearinghouse must contain, at a minimum, the most current and complete information on:

1. Medical treatment procedures and resources, including the names, addresses, contact persons, and telephone numbers of all community, regional and national resources, e.g.:
 - All University Affiliated Facilities for the Developmentally Disabled;
 - All accredited tertiary care facilities with neonatal intensive care units and those units with infant care review committees;
 - The accredited tertiary care facilities with comprehensive surgery capability, i.e., all eight divisions of pediatric surgery; and
 - Other information resources such as the Medical Information Network (MINET) and the National Library of Medicine/Medical Reference Library.
2. Community services and resources for legal, social services, financial, educational, adoption, advocacy, and parent support services, including appropriate names, addresses, contact persons, and telephone numbers.
3. Existing directories of community services and resources, and how these directories may be obtained, including the names, addresses, contact persons, and telephone numbers of the distributors, and the fees that may be charged.
4. Regional directories of community services and resources, including State and local medical organizations, compiled and updated by the grantee as needed for areas where no regional directory exists. The grantee is not required to duplicate existing directories.
5. All appropriate regional education and training resources for health-care personnel, including appropriate names, addresses, contact persons, and telephone numbers.

At a minimum, the grantee will be expected to establish collaborative or networking arrangements with other agencies and organizations (national, regional, community) for the purpose of sharing information and assuring that efforts to provide information on

services and treatment for disabled infants with life-threatening conditions are not duplicated.

Eligible Applicants

Any public or private nonprofit organization may submit an application under this announcement.

Availability of Funds

The Administration for Children, Youth and Families expects to award one competitive grant for a three-year project period not to exceed \$250,000 for the first year, and \$150,000 for each of the two succeeding years. Continuation funding will depend upon the availability of funds, the grantee's satisfactory performance, and a determination that continued funding is in the best interest of the government. Applicants are reminded that section 4(d) of the Act (42 U.S.C. 5103(d)) provides that assistance provided pursuant to this section shall not be available for construction of facilities.

Grantee Share of the Project

At least 25 percent of the total cost of a proposed project must come from a source other than the Federal government. For example, a total project cost of \$100,000 must include at least a \$25,000 non-Federal share. The non-Federal share may be in the form of cash, grantee incurred costs (including the facility, equipment, or services), or third party in-kind contributions and must be project-related and allowable under the cost principles as provided in 45 CFR Part 74, the Department's regulation on the administration of grants.

Paperwork Reduction Act of 1980

Under the Paperwork reduction Act of 1980, Public Law 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirement inherent in a program announcement. This program announcement does contain information collection requirements and increases the Federal paperwork burden on the potential grantee. The Department submitted this program announcement to OMB for review and has received OMB approval under OMB Control Number 0980-0182.

The Application Process

Availability of Forms

For your convenience, a copy of the forms required to submit an application under this announcement and the instructions for completing the application are included as Appendices A and B to this announcement.

Additional copies of application forms and instructions may be obtained from the Regional Offices listed in Appendix D of this announcement or by writing to or telephoning: ACYF/National Center on Child Abuse and Neglect, P.O. Box 1182, Washington, DC 20013, (202) 245-2856.

Application Consideration

Applications are subject to a competitive review and evaluation by qualified individuals. The Commissioner, Administration for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. In addition to the results of the review, in making final decisions the Commissioner will also take into consideration comments from Central and Regional Office staff.

After the Commissioner has made the final selection, unsuccessful applicants will be notified in writing of this final decision. The successful applicant will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds awarded, the budget period for which support is given, and the total period for which project support is contemplated.

Waiver of Executive Order 12372 Requirements for a 60-Day Comment Period for the States' Single Points of Contact (SPOC)

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs" and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories except Alaska, Idaho, Nebraska, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these areas need to take no action regarding E.O. 12372. Applications for projects to be administered by Federally recognized Indian tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicant should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all

required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 22a.

HDS must obligate the funds for these awards by September 30, 1986. Therefore, the required 60 day comment period for State process review and recommendation will end on September 12, 1986 in order for HDS to receive, consider, and accommodate SPOC input.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to HDS, they should be addressed to: Department of Health and Human Services, Human Development Services, Grants and Contracts Management Division, 200 Independence Avenue SW., Room 341F, Hubert H. Humphrey Building, Washington, DC 20201, Attn: Mary A. White.

A list of the Single Points of Contact for each State and territory is included in Appendix C of this announcement.

Criteria for Review and Evaluation of Applications

Complete applications will be reviewed competitively and evaluated by qualified non-Federal experts and ACYF and other HDS staff against the following criteria:

a. Project Design and Soundness of Work Plan (30 points): The project design must be clearly presented. The applicant must provide clear and concise statements regarding the specific goals and objectives of the project. The applicant must provide a clear work plan which describes the activities to be undertaken in meeting goals and objectives, and a timetable for the accomplishment of specific activities. The work plans must describe how the proposed project will achieve the specific project tasks identified in this program announcement. The applicant must also provide a statement of the anticipated outcomes of the project and target indicators for measuring project outcomes. Evaluation plans and procedures should be described in detail and should be capable of measuring the degree to which project objectives have been accomplished.

b. Technical Capabilities (25 points): The applicant must describe its current technical capabilities and demonstrate

its ability to establish, operate and maintain a computerized information and referral national clearinghouse which will implement the project tasks identified in this program announcement. The applicant must demonstrate its experience in and understanding of computerized telecommunications systems, and data base development, manipulation and utilization.

The applicant must provide a complete description of the equipment and facilities that will comprise the information and referral clearinghouse, including descriptions of hardware, and the functions and utilization of existing equipment in carrying out the activities of the clearinghouse.

c. **Staffing and Management** (25 points): The applicant organization must demonstrate that it has personnel resources that are adequate to conduct the project. The applicant must provide information on the availability and qualifications of proposed personnel, including any specialists, consultants and/or subcontractors that will be used. The applicant must specifically identify the proposed key personnel and provide their relevant qualifications and experience. The applicant must demonstrate that existing staff or proposed staff have experience in conducting a telecommunications system, are familiar with computerized data base systems, and are thoroughly familiar with information and referral services.

The applicant must provide information describing project management, including a table of organization clearly showing the lines of responsibility and project accountability; a staffing plan which clearly links responsibilities to project tasks; and a Gantt chart.

The author(s) of the application must be clearly identified together with the relationship the author(s) currently have to the applicant organization and any future role in the project the author(s) may have if the application is funded.

d. **Budget Appropriateness and Reasonableness** (10 points): The proposed budget must be commensurate with the level of effort needed to accomplish the project objectives. The cost of the project must be reasonable in view of the anticipated results.

e. **Evidence of Collaboration or Networking** (10 points): The applicant must provide evidence of arrangements for collaborating or networking with other agencies or organizations (national, regional, community) for the purposes of sharing information and assuring that efforts for providing information on services and treatment of

disabled infants with life-threatening conditions are not duplicated. The applicant must provide a description of the nature and extent of such collaborative or networking arrangements. The participation of any agency or organization other than the applicant, if critical to the proposed project, must be evidenced by a letter indicating the agency's or organization's agreement to participate and describing the content of the contribution of that agency or organization.

Instructions for Completing the Application

1. **Application Requirements.** In order to be considered under this announcement, an applicant must submit one signed original and two copies of the application, including all attachments. The original of the application must have original signatures on all required documents, i.e., page 1 of the Standard Form 424, and the assurances forms (Standard Forms 441 and 641). Completed applications, including the original and two copies, must be sent to: Mary White, HDS/Division of Grants and Contracts Management, 200 Independence Avenue SW., Room 345-F, Washington, DC 20201—Attention: 13607-861.

Applicants using a word processor should use a letter-quality printer.

2. **Content of Application.** Each copy of the application must contain the following items in the order listed:

- a. Standard Form 424, page 1.
- b. Summary description of the project.
- c. **Part II—Project Approval Information.**
- d. **Part III—Budget Information.**
- e. **Part IV—Project Narrative.**
- f. HHS—SF 441, Assurance of Compliance with Title VI of the Civil Rights Act of 1964.
- g. HHS—SF 641, Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, as amended.
3. **Instructions for Preparing Applications.** The forms and instructions for applying for Federal assistance from HDS programs have been reprinted as Appendices A and B to this announcement. We suggest that applicants reproduce the forms and use them to prepare their application. Applications must be prepared in accordance with the following instructions:

- a. Standard Form 424, page 1 (Follow instructions contained in Appendix B; however, note the following special instructions for item 7 with respect to the summary description of the project.)
- b. Summary description of the project. Item 7 on page 1 of the Standard Form

424 instructs applicant to use section IV to provide a summary description of the project. In place of section IV, applicant should use a separate sheet of 8 1/2" x 11" plain paper to provide this summary description of the project. Clearly mark this separate page with the applicant's name as shown in item 4.a and the program title as shown in item 6.b. The summary description may not exceed 200 words. However, only the first 800 characters of the summary description, ten lines of eighty characters each, will be put into a computer data base. It should also be specific and tightly written. It should describe the objectives of the project, the approaches to be used, and the outcomes expected. At the end of the summary, list major products that will result from the proposed project. Remember, this summary description is limited to 200 words. This information, in conjunction with the information on the Standard Form 424, becomes the project's "abstract."

c. **Part II—Project Approval Information.** This form is self-explanatory.

d. **Part III—Budget Information.** (Complete Part III in accordance with the instructions contained in Appendix B.)

e. **Table of Contents.** Provide a table of contents for the Part IV narrative, including a listing of any appendices.

f. **Part IV, Program Narrative.** Describe the project you propose in response to this announcement. Your narrative (24 pages typed double-spaced, or 12 pages typed single-spaced maximum, on 8 1/2" x 11" plain white bond with 1" margins on both sides) should provide information on how the application meets the evaluation criteria. Reproductions of larger size paper, reduced to meet the size requirement, are not acceptable. We strongly suggest that you follow these format and page limitations.

1. **Project Design** (6 pages maximum, double-spaced)

2. **Technical Capability** (6 pages maximum, double-spaced)

3. **Staffing and Management** (5 pages maximum, double-spaced)

4. **Budget Appropriateness and Reasonableness** (4 pages maximum, double-spaced)

5. **Evidence of Collaboration or Networking** (3 pages maximum, double-spaced)

g. HHS—SF 441, Assurance of Compliance with Title VI of the Civil Rights Act of 1964 (self explanatory).

h. HHS—SF 641 Assurance of Compliance with section 504 of the Rehabilitation Act of 1973, as amended (self explanatory).

Closing Date for Receipt of Applications

The closing date for receipt of applications under this announcement is August 26, 1986. Applications must be mailed or hand delivered to: Mary White, HDS/Division of Grants and Contracts Management, 200 Independence Avenue SW., Washington, DC 20201, Room 345-F, Attention: 13607-861.

Deadline for Submissions of Applications

A. Hand-delivered applications are accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday. An application will be considered as meeting the deadline if it is either:

1. Received on or before the deadline date at the above address; or

2. Sent on or before the deadline date, and received by the granting agency in time to be considered during the competitive review and evaluation process.

(Applicants are cautioned to request a legible dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

B. *Late applications.* Applications which do not meet the criteria in paragraph A of this section are considered late applications. HDS will notify each late applicant that its application will not be considered in the current competition.

C. *Extension of deadline.* HDS may extend the deadline for all applicants

because of acts of God such as floods, hurricanes, etc., when there is a widespread disruption of the mails, or when HDS determines an extension to be in the best interest of the government. However, if HDS does not extend the deadline for all applicants, it will not waive or extend the deadline for any applicant.

(Catalog of Federal Domestic Assistance No. 13.670, Child Abuse and Neglect Prevention and Treatment Program)

Dated: May 5, 1985.

Dodie Livingston,

Commissioner, Administration for Children, Youth and Families.

Approved: June 13, 1986.

Dorcus R. Hardy,

Assistant Secretary for Human Development Services.

BILLING CODE 4130-01-M

APPENDIX A

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION IDENTIFIER	3. STATE APPLICATION IDENTIFIER	4. NUMBER
1. TYPE OF SUBMISSION (Mark appropriate box) <input type="checkbox"/> NOTICE OF INTENT (OPTIONAL) <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION	a. NUMBER b. DATE Year month day 19	NOTE TO BE ASSIGNED BY STATE 19	a. NUMBER b. DATE ASSIGNED Year month day 19	
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name b. Organization Unit c. Street/P.O. Box d. City e. State f. Contact Person (Name & Telephone No.)		5. EMPLOYER IDENTIFICATION NUMBER (EIN) 6. PROGRAM (From CFDA) a. NUMBER b. TITLE		
7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)		8. TYPE OF APPLICANT/RECIPIENT A—State B—Intermediate C—Substate D—County E—City F—School District G—Special Purpose District H—Community Action Agency I—Higher Educational Institution J—Indian Tribe K—Other (Specify): Enter appropriate letter <input type="checkbox"/>		
9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)		10. ESTIMATED NUMBER OF PERSONS BENEFITING 11. TYPE OF ASSISTANCE A—Basic Grant B—Supplemental Grant C—Loan D—Insurance E—Other Enter appropriate letter(s) <input type="checkbox"/>		
12. PROPOSED FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. Total \$.00		13. CONGRESSIONAL DISTRICTS OF: a. APPLICANT b. PROJECT 15. PROJECT START DATE Year month day 19 16. PROJECT DURATION Months 18. DATE DUE TO FEDERAL AGENCY Year month day 19		
19. FEDERAL AGENCY TO RECEIVE REQUEST a. ORGANIZATIONAL UNIT (IF APPROPRIATE) b. ADMINISTRATIVE CONTACT (IF KNOWN) c. ADDRESS		20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER 21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		
22. THE APPLICANT CERTIFIES THAT: To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.		a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____ b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW <input type="checkbox"/>		
23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE b. SIGNATURE		24. APPLICATION RECEIVED 19 Year month day 25. FEDERAL APPLICATION IDENTIFICATION NUMBER 26. FEDERAL GRANT IDENTIFICATION		
27. ACTION TAKEN <input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE <input type="checkbox"/> e. DEFERRED <input type="checkbox"/> f. WITHDRAWN		28. FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		
29. ACTION DATE 19 Year month day 30. STARTING DATE 19 Year month day 31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number) 32. ENDING DATE 19 Year month day 33. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		34. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		

PART II
PROJECT APPROVAL INFORMATION

Item 1.

Does this assistance request require
State, local regional, or other priority rating?

_____ Yes _____ No

Name of Governing Body _____

Priority Rating _____

Item 2.

Does this assistance request require State, or local
advisory, educational or health clearances?

_____ Yes _____ No

Name of Agency or
Board _____

(Attach Documentation)

Item 3.

Does this assistance request require State, local,
regional or other planning approval?

_____ Yes _____ No

Name of Approving Agency _____

Date _____

Item 4.

Is the proposed project covered by an approved compre-
hensive plan?

_____ Yes _____ No

Check one: State ☐

Local ☐

Regional ☐

Location of Plan _____

Item 5.

Will the assistance requested serve a Federal
installation?

_____ Yes _____ No

Name of Federal Installation _____

Federal Population benefiting from Project _____

Item 6.

Will the assistance requested be on Federal land or
installation?

_____ Yes _____ No

Name of Federal Installation _____

Location of Federal Land _____

Percent of Project _____

Item 7.

Will the assistance requested have an impact or effect
on the environment

_____ Yes _____ No

See instructions for additional information to be
provided.

Item 8.

Will the assistance requested cause the displacement
of individuals, families, businesses, or farms?

_____ Yes _____ No

Number of:

Individuals _____

Families _____

Businesses _____

Farms _____

Item 9.

Is there other related assistance on this project previous,
pending, or anticipated

_____ Yes _____ No

See instructions for additional information to be
provided.

OMB NO 0348-0006

PART III - BUDGET INFORMATION**SECTION A - BUDGET SUMMARY**

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

(Attach Additional Sheets If Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

PART V
ASSURANCES

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74 and OMB Circulars No. A-102, A-110 and applicable cost principles. (Circulars: A-21, "Educational Institutions"; A-87, "Cost Principles for State and Local Governments"; and A-122, "Nonprofit Organizations"), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of State and local government employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to employees of State and local governments who are not employed in integral operations in areas of traditional governmental functions.

Head Start, Certification of Minimum Wage: It certifies that it has reviewed the salary structures and wages for all positions and certifies that persons employed in carrying out this program shall not receive compensation at a rate which is (a) in excess of the average rate of compensation paid in the area to persons providing substantially comparable services; or (b) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938. Documentation of the methods by which it established wage scales is available in their files for review by audit and HDS personnel.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.
9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the grantee's activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the speci-

fied activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94-135), which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.
15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.
16. It will comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution).
17. It will comply with Pub. L. 93-348 as implemented by Part 46 of Title 45 (45 CFR 46, 42 U.S.C. 2891) regarding the protection of human subjects involved in research, development, and related activities supported by the grant.
18. It will comply with the equal opportunity clause prescribed by Executive Order 11246, as amended, and will require that its subrecipients include the clause in all construction contracts and subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding \$10,000, in accordance with Department of Labor regulations at 41 CFR Part 60.
19. It will include, and will require that its subrecipients include, the provision set forth in 29 CFR 5.5(c) pertaining to overtime and unpaid wages in any nonexempt nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds \$2,500.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE
REHABILITATION ACT OF 1973, AS AMENDED**

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. () employs fewer than fifteen persons;

b. () employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

Name of Designee(s) — Type or Print

Name of Recipient — Type or Print

Street Address

(IRS) Employer Identification Number

City

Area Code — Telephone Number

State

Zip

I certify that the above information is complete and correct to the best of my knowledge.

Date

Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

PLEASE RETURN ORIGINAL TO: Office for Civil Rights, Room 5627/B North Building,
330 Independence Avenue, N.W., Washington, D.C.
20201.

RETURN COPY TO: Grants Management Office

**ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES REGULATION UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

_____, (hereinafter called the "Applicant") HEREBY
Name of Applicant (type or print)

AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____ By _____
Signature and Title of Authorized Official

Area Code — Telephone Number

Applicant (type or print)

Street Address

City _____ State _____ Zip _____

PLEASE RETURN ORIGINAL TO: Office of Civil Rights
Room 5627/B North Building
330 Independence Ave., N.W.
Washington, DC 20201

RETURN COPY TO: GRANTS MANAGEMENT OFFICE

HHS-441 (7/84) Rev.

A-8

HHS GRANTS MANAGEMENT

GPO 908-719

BILLING CODE 4130-01-C

Appendix B

OMB 0980-0016; Expires: 2/85; Clearance
Pending: 2/88

INSTRUCTIONS FOR APPLYING FOR
FEDERAL ASSISTANCE FROM HDS
PROGRAMS

Introduction

Use of Forms

The forms included in this "kit" shall be used to apply for all new discretionary grants and cooperative agreements awarded by the Office of Human Development Services. They shall also be used to request supplemental assistance, proposed changes or amendments, and request continuation or refunding for previously approved grants or cooperative agreements from the Office of Human Development Services. An original and two copies of the forms should be submitted to the responsible grants management office. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable.

Applications

Applicants for new awards and competing continuations are required to submit a complete application which consists of Parts I (SF-424) through Part V. Applicants for new projects must include completed Standard Forms 441, Civil Rights Assurance and HHS-641, Rehabilitation Act Assurance. Applicants for additional funding (such as a non-competing continuation or supplemental grant) or amendments to a previously submitted application should include only affected pages. Previously submitted pages whose information is still current need not be resubmitted. Additionally, applicants for certain HDS programs may be subject to Executive Order 12372, Intergovernmental Review of Federal Programs (see Attachments 1 and 2). These applicants must follow the instructions provided relative to Executive Order 12372 coverage where appropriate, as listed on page 11.

Submission of Applicants

(1) Non-competing Continuation Grants—Applicants for continuation grants must submit these forms not later than 90 days prior to the budget period end date.

(2) New Projects and Competing Continuations—Applicants for Assistance to support new projects or for competing continuations should refer to program announcements for information regarding deadline dates for submission of forms.

Instructions for Completion of Part I
(SF-424)

Section I

Applicants shall complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk (*) and use Section IV. An explanation follows for each item.

Item

1. Mark appropriate box. Preapplication and application are described in OMB Circular A-102 and HDS program instructions. Use of the SF-424 as a Notice of Intent is at State option. HDS does not require Notice of Intent.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. For a program covered by Executive Order 12372, enter the number assigned, if any, by the State Point of Contact Office. Applications submitted to OHDS must contain this identifier, if provided by the State Point of Contact. Note: Item 22 of this form must be completed for programs covered by E.O. 12372.

3b. Date identifier is assigned by State.

4a.-4h. Enter legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

IF THE PAYEE WILL BE OTHER THAN THE APPLICANT, ENTER IN THE REMARKS SECTION "PAYEE". THE PAYEE'S NAME, DEPARTMENT OR DIVISION. COMPLETE ADDRESS AND EMPLOYER IDENTIFICATION NUMBER AND DHHS ENTITY NUMBER.

If an individual's name and/or title is desired on the payment instrument, the name/or title of the designated individual must be specified.

5. Enter Employer Identification Number of applicant as assigned by the Internal Revenue Service. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number, enter PIN in parenthesis () beside employer identification number.

6a. Enter the Catalog of Federal Domestic Assistance number assigned to program under which assistance is

requested. If more than one program (e.g., joint funding) enter "multiple" and explain in Section IV remarks. If unknown, cite Public Law or U.S. Code.

6b. Enter the program title from Catalog of Federal Domestic Assistance. Abbreviate if necessary.

7. Enter title and appropriate description of project. For Notification of Intent, continue in Section IV if necessary to convey proper description. If project affects particular sites as, for example, construction or real property projects, attach a map showing the project location.

8. Enter appropriate letter to designate grantee type—"City" includes town, township or other municipality. If the grantee is other than that listed, specify type on "Other" line e.g., Council of Government. Note: Nonprofit organizations which have not previously received HDS program support must submit proof of nonprofit status.

9. Enter Governmental unit where significant and meaningful impact could be observed. List only largest unit or units is affected, such as State, county, or city. If entire unit is affected, list it rather than subunits.

10. Identify estimated number of persons directly benefiting from project, as described in the program narrative.

11. All applicants for new, competing continuation and non-competing continuation grants should enter the letter "A". And applicants for supplemental grant funding should enter the letter "B".

12. Enter amount requested or to be contributed during the initial funding/budget period by each contributor. Where allowable the value of in-kind contributions should be included. If the action is a change in dollar amount of existing grant (a revision or augmentation), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding use totals and show program breakdowns in remarks. Item definitions: 12a, amount requested from Federal Government; 12b, amount applicant will contribute; 12c, amount from State, if applicant is not a State; 12d, amount from local government, if applicant is not a local government; 12e, amount from any other sources, explain in Section IV. Note: Applicants for research grants should complete 12a and 12f only.

13a. Self explanatory.

13b. Enter the district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering

several districts, write "city-wide" or "State-wide".

14. Enter appropriate letter.

Definitions are:

A. *New*. A submittal for the first time for a new project or project period (includes competing continuations).

B. *Renewal*. Not applicable to HDS grant programs.

C. *Revision*. A modification to project after the initial funding/budget period and within the approved project period.

D. *Continuation*. Support for a non-competing continuation project after the initial funding/budget period and within the approved project period.

E. *Augmentation*. (Referred to elsewhere in these instructions and in other HDS publications as a "supplemental"). An application for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

15. Enter approximate date project is expected to begin. If initial budget period is other than 12 months, check item 21 and explain in Part IV.

16. Enter estimated number of months to complete project after Federal funds are available.

17. Complete only for revisions (item 14c), or augmentations (Supplements) (Item 14e).

18. Date application/preapplication must be submitted to HDS in order to be eligible for funding consideration.

19. Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.

20. Enter existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".

21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

Section II

Applicants will always complete either item 22a or 22b and items 23a and 23b. An explanation follows for each item.

22a. Complete if application is subject to Executive Order 12372 (State review and comment). *Note:* All written comments submitted by or through the State Contact must be attached, if available. Applicants are advised of the delay of funding near the end of the fiscal year, if a timely notification to the State Contact is not made.

22b. Check if application is not subject to E.O. 12372.

23a. Name and title of authorized representative of legal applicant.

23b. Self explanatory. *Note:*

Authorized representative signature cannot be signed by designee.

Note.—Applicant completes only sections I and II. Section III is completed by Federal Agencies.

Instructions for Completion of Part II

Negative answers will not require an explanation unless the responsible HDS program office requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with these instructions.

Item 1—Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2—Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that it will be obtained.

Item 3—Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4—Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5—Show the population residing or working on the Federal installation who will benefit from this project. (Federally recognized Indian reservations are not "Federal Installations")

Item 6—Show the percentage of the project work that will be conducted on Federally owned land or leased land. Give the name of the Federal installation and its location.

Item 7—Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8—State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions, if additional data is needed.

Item 9—Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project

where there is related previous, pending or anticipated assistance from another funding source.

Instructions for Completion of Part III

This form is designed so that application can be made for funds to support one or more functions or activities. Generally, HHS funded programs do not require a breakdown by function or activity. Therefore, only Line 1 need be completed. However, Head Start, funded by the Administration for Children, Youth and Families requires that activities commonly identified by program accounts be displayed separately on individual lines (Lines 1-4 under Sections A and Columns 1-4 under Section B).

Since HDS programs award funds to support activities for budget periods which are generally 12 months in duration, Section A, B, C, and D must provide budget information for the requested budget period. Section E should reflect the need for Federal Assistance in subsequent budget periods.

Applicants for research grants are not required to complete information items related to non-Federal share. Rather, research cost sharing shall be negotiated separately with the funding office.

Section A—Budget Summary

Lines 1-4

Col. (a): For applications pertaining to a single grant program and *not* requiring a functional, activity or program account breakout enter on Line 1 under Column (a) the Federal Domestic assistance Catalog program title (See attached listing). For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (b): Enter appropriate Catalog of Federal Domestic Assistance number. For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (c)-(g): For *new applications*, leave Columns (c) and (d) blank. For each line entry, enter in Columns (e), (f), and (g) the appropriate amounts needed to support the project for the first budget period. Applicants for research grant should make no entries in Column (f).

For *non-competing*, or *Competing continuation applications*, enter in Columns (c) and (d) the estimated amounts for funds which will remain unobligated at the end of the current budget period. Enter in columns (e), (f), and (g) the appropriate amounts needed

to support the project for the new budget period. (Applicants for research grants should make no entries in Column (d) or (f). Column (g) should equal the total of Column (e) and Column (f).

For *augmentation* (supplements) and *changes to existing grants*, leave Columns (c) and (d) blank and enter in Columns (e) and (f) the amount of increase or decrease of Federal and non-Federal funds, as appropriate. Enter in Column (g) the new total budgeted amount (Federal and non-Federal) which includes the previously authorized total budgeted amounts for the current budget period plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of the amounts in Columns (e) and (f). Applicants for research grants should make no entries in Columns (d) or (f).

Line 5

Enter the totals for all columns completed.

Section B—Budget Categories

Column 1-5

In the Column heading (1) through (4), enter the same titles of the grant programs and/or program accounts shown on Lines 1 through 4, Column (a), Section A. For each grant program or activity (program account) entered in Columns (1) through (4) enter the total requirements for *Federal funds* by object class categories and enter total in Column 5.

Allowability of costs are governed by applicable cost principles set forth in Subpart Q of 45 CFR Part 74 and the HDS Grants Administration Manual.

Personnel—Line 6a: Enter the total costs of salaries and wages of applicant/grantee staff. Do not include costs of consultants or personnel costs of delegate agencies. (See Section F, Line 21, for additional requirements).

Fringe Benefits—Line 6b: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide break-down of amounts and percentages that comprise fringe benefit costs.

Travel—Line 6c: Enter total costs of out-of-town travel for employees of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. (See Line 6h and Section F, Line 21, for additional instructions).

Equipment—Line 6d: Enter the total costs of all equipment to be acquired by the project. "Equipment" means an article of tangible personal property having a useful life of more than two

years and an acquisition cost of \$500 or more per unit. An applicant may use its own definition of equipment, provided that such a definition would at least include all tangible personal property as defined in the preceding sentence. (See Section F, Line 21 additional requirements).

Supplies—Line 6e: Enter the total costs of all tangible personal property (supplies) other than that included on line 6d.

Contractual—Line 6f: Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.), and (2) contracts agreements with secondary recipient organizations including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization; the purpose of the contract; statement (scope) of work; period of performance; and the estimated dollar amount of the award. If the Name of Contractor, Scope of Work and estimated total is not available or has not been negotiated, include in Line h, "Other". (Note: Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must submit sections A and B of Part III, Budget Section, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total cost of all such agencies will be part of the amount shown on Line 6(f). Provide back-up documentation identifying Name of contractor, purpose of contract and major cost elements.

Construction—Line 6g: Enter the costs of alterations or renovation. Provide narrative justification and break-down or costs. New construction is unallowable.

Other—Line 6h: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs, (noncontractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges—Line 6i: Show the totals of Lines 6(a) through 6(h).

Indirect Charges—Line 6j: Enter the total amount of indirect costs. If no indirect costs are requested enter "none". This line should be used only when the applicant (except local governments) has an indirect cost rate approved by the Department of Health and Human Services. If rate has recently been approved, please enclose a copy of current rate. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements. In the case of training grants to other than State or local governments, the reimbursement of indirect costs will be limited to the lesser of actual indirect costs or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alteration and renovations. It should be noted that when an indirect cost rate is requested, these costs included in the indirect cost pool should not be also charged as direct costs to the grant.

Total—Line 6k: Enter the total amounts of Lines 6(i) and 6(j). For all new competing and non-competing continuation applications, the total amount shown in Column (5), Line 6(k), should be the same as the amount shown in Section A, Column (e), Line 5.

For all supplements or changes, the total of the amount shown in Columns (1) through (4) should equal the amount shown in Section A, Line 5(e). The amount shown in Column (5) should include the cumulative total of the previously approved Federal share for the current budget period plus or minus, as appropriate, the increase or decrease of Federal funds.

Program Income—Line 7: Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show, in the program narrative statement, the nature and source of income.

Section C—Non-Federal Resources

Line 8-11: Enter amounts of non-Federal resources that will be used to support the project. (Applicants for research grants should not complete this Section but will negotiate appropriate cost sharing arrangements with the funding office). Provide a brief explanation, on a separate sheet, showing the type of contribution, and whether it is in cash or in-kind. If in-kind, is allowable and included, show the basis for computation including:

(1) Numbers and types of volunteers and rates at which their services are valued;

(2) Valuation of donated space (use only) including number of square feet and value assigned per square foot; and

(3) Determination of depreciation and use allowance for grantee-owned space; [Include statement whether space was purchased or constructed, totally or in part with federal funds for items (2) and (3)].

(4) Type and value of other in-kind contributions expected.

Column (a): Enter the program title or activities (program accounts) as in Column (a) Section A.

Column (b): Enter the amount of cash and in-kind contributions to be made by the applicant.

Column (c): Enter the State contribution. If the applicant is a State agency, enter the non-Federal funds to be contributed by the State other than the applicant State agency.

Column (d): Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e): Enter the totals of Columns (b), (c), and (d).

*Line 12—*Enter total of each of Columns E(b) through (e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D—Forecasted Cash Needs

*Line 13—*Enter the amount of Federal cash needed for this grant, by quarter, during the budget period.

*Line 14—*Enter the amount of cash from all other sources needed by quarter during the budget period. (Applicants for research grants should not complete this line).

*Line 15—*Enter the totals of amounts on Lines 13 and 14.

Section E—Budget Estimates of Federal Funds Needed for Balance of Projects

*Lines 16-19—*Enter in Column (a) the same program title or activities (program accounts) as in Column (a) Section A. For new or competing continuation or noncompeting continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding budget periods (usually in years). Do not enter current year budget amount; enter second, third, fourth, and fifth year budget estimate needs. This Section need not be completed for Headstart applicants with indefinite project periods or for revisions or supplements for the current budget period which do not increase the general level of support.

*Line 20—*Enter the totals of each of the Columns (b) through (e).

Section F—Other Budget Information

*Line 21—*Use this space to fully explain and justify the major items included in the budget categories shown in Section B. Include sufficient detail to facilitate determination of allowability, relevance to the project, and cost benefits. Particular attention must be given to the explanation of any requested direct cost budget item which requires explicit approval by the HDS program office. Budget items which require identification and justification shall include, but not be limited to, the following:

1. Salary amounts and percentage of time worked for those key individuals who are identified in the project narrative.
2. Any foreign travel;
3. A list of all equipment (See Part III, Section B, Line 6d) and estimated cost of each item to be purchased. Need for equipment must be supported in program narrative.

4. Contractual: Major items or groups of smaller items; and
5. Other: group and major categories, e.g., consultants, local transportation, space rental, training allowances, staff training, computer equipment, etc. Provide a complete break-down of all costs that make up this category.

*Line 22—*Enter the type of indirect rate (provisional, final fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date HDS approved the rate, where applicable. Attach a copy of rate agreement if recently approved.

*Line 23—*Provide any other explanations required or deemed necessary.

Attachment 1—Executive Order 12372 Coverage

1. General

Executive Order 12372, "Intergovernmental Review of Federal Programs," provides for the State and local government coordination and review of proposed Federal financial assistance. Certain applicants for HDS grants must comply with the provisions of E.O. 12372 and 45 CFR Part 100. "Intergovernmental Review of Department of Health and Human Services Programs and Activities." The following table provides a listing of all HDS assistance programs identified by Catalog of Federal Domestic Assistance Number (CFDA), and shows those programs and activities which are covered by E.O. 12372 and those which are exempt from coverage.

Federal recognized Indian Tribes are exempt from the provisions and requirements of E.O. 12372 (see 48 FR 29196 dated June 24, 1983).

States may design their own processes for reviewing and commenting on proposed Federal assistance under certain Federal programs. States adopting a review process under the E.O. will have designated a State official or organization to act as the State's "Single Point of Contact" (SPOC) for sending official State recommendations to HDS. Applicants with projects subject to E.O. 12372 review must adhere to the requirements of their State processes.

2. Procedures for New and Competing Continuation Applications

E.O. 12372 requires applicants for new and competing continuation grants and cooperative agreements to coordinate their plans at the State and local levels through the State SPOC. Names and addresses of the State SPOC are listed in the **Federal Register** announcement soliciting applications or in the application kit. A current listing can also be obtained from the regional or headquarters grants management office. Potential applicants should contact their State SPOC at the earliest feasible time and notify them of their intent to apply for Federal assistance. Many State offices have their own notification forms and instructions, and applicants should obtain this material directly from them.

Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on Standard Form 424. HDS will notify the State SPOC of any application covered by E.O. 12372 that does not indicate that the State contact has had an opportunity to review it. Therefore, failure to notify the State of the proposed application to HDS may result in a delay of funding as HDS will not make an award without assurance of compliance with this process.

State SPOC offices have sixty (60) days after the HDS deadline date for the receipt of applications in which to review and resolve problems with the applicant and submit comments to HDS.

3. Procedures for Non-Competing Continuation Applications

Applicants for non-competing continuations of awards covered by E.O. 12372 must contact the State SPOC regarding their application at the earliest possible time. Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on the Standard Form 424. HDS will notify the State SPOC of the receipt of any covered program application which has

no indication that the State process has had an opportunity for review.

The closing date for submission of State comments is thirty (30) days after the deadline date for receipt of applications. Applicants are advised to make clear to the SPOC that they are applying for a non-competing continuation award with a thirty day rather than sixty (60) day review period.

Attachment 2

Catalog of Federal Domestic Assistance Number	Discretionary grants	Mandatory or formula grants
---	----------------------	-----------------------------

HDS Programs and Activities Covered by Executive Order 12372

13.600	Head Start—Basic Head Start Program, Research, Training and Technical Assistance, Demonstration, and Pilot Projects.	
13.623	Runaway Youth—All projects.	
13.628	Child Abuse and Neglect Prevention and Treatment—All projects.	State Child Abuse and Neglect Prevention and Treatment.
13.630		Developmental Disabilities—Basic Support and Advocacy.
13.631	Developmental Disabilities Special Projects.	
13.633		Aging—Title III-A and III-B, Grants for Supportive Services and Senior Centers.
13.635		Aging—Title III-C, Nutrition Services.
13.645		Child Welfare Services—Title IV-B State Grants.
13.646		Work Incentive Program (WIN).

HDS Programs and Activities Not Covered by Executive Order 12372

13.608	Child Welfare Research and Demonstration Section 426 of Social Security Act (SSA).	
13.612	Native American Programs—Financial Assistance.	
13.632	Developmental Disabilities—University Affiliated Facilities and Satellite Centers.	
13.647	Social Services Research and Demonstration—Section 1110 of SSA.	
13.648	Child Welfare Services (426) Training.	
13.652	Adoption Opportunities—Research and Demonstration.	
13.655	Aging—Title VI Grants to Indian Tribes.	
13.658		Title IV-E—Foster Care.
13.659		Title IV-E—Adoption Assistance.
13.661	Native American Programs—Research, Demonstration, and Evaluation.	

Catalog of Federal Domestic Assistance Number	Discretionary grants	Mandatory or formula grants
13.662	Native American Programs—Training and Technical Assistance.	
13.667		Social Services Block Grant.
13.668	Aging—Title IV Research, Demonstration, and Training.	

Appendix C—Executive Order 12372—State Single Points of Contact

Alabama

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105-0939, Tel. (205) 284-8905

Alaska

None.

Arizona

Department of Commerce, State of Arizona

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: Janice Dunn, ATTN: Arizona State Clearinghouse, 1700 West Washington, Fourth Floor, Phoenix, Arizona 85007, Tel. (602) 255-5004.

Arkansas

State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371-1074

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 323-7480

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866-2156

Connecticut

Gray E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106-4459

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106-4459, Tel. (203) 566-3410

Delaware

Executive Department, Thomas Collins Building, Dover, Delaware, 19903, Attn: Francine Booth, Tel. (302) 736-4204

Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488-8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, S.W., Atlanta, Georgia 30334, Tel. (404) 656-3855

Hawaii

Kent M. Keith, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804

For Information Contact:

Hawaii State Clearinghouse, Tel. (808) 548-3016 or 548-3085

Idaho

None.

Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782-8639

Indiana

Mr. Alexander J. Ingram, Deputy Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232-5604

Iowa

Office for Planning and Programming, Capitol Annex, 523 East 12th Street, Des Moines, Iowa 50319, Tel. (515) 281-3864

Kansas

Ms. Judy Krueger, Intergovernmental Liaison, 122 A South, State Office Building, Topeka, Kansas 66612, Tel. (913) 296-3919

Kentucky

Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564-2382

Louisiana

Mr. Ferguson Brew, Assistant Secretary and SPOC, Dept. of Urban & Community Affairs, Office of State Clearinghouse, P.O. Box 94455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 925-3725

Maine

State Planning Office, Attn: Intergovernmental Review Process/

Hal Kimball, State House Station #38, Augusta, Maine 04333, Tel. (207) 289-3154

Maryland

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Tel. (301) 225-4490

Massachusetts

Executive Office of Communities and Development, Attn: Beverly Boyle, 100 Cambridge Street, Rm. 904, Boston, Massachusetts 02202, Tel. (617) 727-3253

Michigan

Michelyn Pasteur, Director, Local Development Services, Department of Commerce, P.O. Box 30225, Lansing, Michigan 48909, Tel. (517) 373-3530

Minnesota

Maurice D. Chandler, Intergovernmental Review, Minnesota State Planning Agency, Room 101, Capitol Square Building, St. Paul, Minnesota 55101, Tel. (612) 296-2571

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202

For Information Contact:

Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359-3150

Missouri

Lois Phol, Coordinator, Missouri Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 760 Truman Building, Jefferson City, Missouri 65102, Tel. (314) 751-4834

Montana

Sue Heath, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444-5522

Nebraska

None.

Nevada

Ms. Jean Ford, Director, Nevada Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885-4420

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: John Walker, Clearinghouse Coordinator, Tel. (702) 885-4420

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271-2155

New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625-0803, Tel. (609) 292-6613

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625-0803, Tel. (609) 292-9025

New Mexico

Peter C. Pence, Director, Department of Finance and Administration, Management and Contracts Review Div., Clearinghouse Bureau, Room 424, State Capitol, Santa Fe, New Mexico 87503, Tel. (505) 827-3885

New York

Director of the Budget New York State

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474-1605

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733-4131

North Dakota

Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224-2094

Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215

For Information Contact:

Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466-0699

Oklahoma

Don Strain, Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528-8200

Oregon

Intergovernmental Relations Division, State Clearinghouse, Attn: Delores Streeter, Executive Building, 155

Cottage Street, N.E., Salem, Oregon 97310, Tel. (503) 373-1998

Pennsylvania

Barbara J. Gontz, Project Coordinator, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 783-3700

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277-2656

Note.—Questions and correspondence concerning this State's review process should be directed to: Mr. Michael T. Marfeo, Review Coordinator

South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 758-2417

South Dakota

Connie Tveidt, State Clearinghouse Coordinator, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773-3661

Tennessee

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741-1676

Texas

Bob McPherson, State Planning Director, Office of the Governor, P.O. Box 13561, Capitol Station, Austin, Texas 78711

Note.—Questions concerning this State's review process should be directed to: Intergovernmental Relations Division Tel. (512) 463-1778

Utah

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533-5245

Vermont

State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828-3326

Virginia

Shawn McNamara, Department of Housing and Community Development, 205 North 4th Street, Richmond, Virginia 23219, Tel. (804) 786-4474

Washington

Washington Department of Community Development, ATTN: Washington Intergovernmental Review Process, Ninth and Columbia Building, Olympia, Washington 98504-4151, Tel. (206) 586-1240

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348-4010

Wisconsin

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster—GEF 2, P.O. Box 7864, Madison, Wisconsin 53707-7864, Tel. (608) 266-1741

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707-7864, Tel. (608) 266-8349

Wyoming

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777-7574

Virgin Islands

Toya Andrew, Federal Program Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801 Tel. (809) 774-6517

District of Columbia

Lovetta Davis, DC State Single Point of Contact for E.O. 12372, Executive

Office of the Mayor, Office of Intergovernmental Relations, Rm. 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Tel. (202) 727-6265

Puerto Rico

Ms. Patricia G. Custodio, P.E., Chairman, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-9985, Tel. (809) 727-4444

Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950

American Samoa

None.

Guam

Guam State Clearinghouse, Office of the Lieutenant Governor, P.O. Box 2950, Agana, Guam 96910

Appendix D—Regional Program Directors, U.S. Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families

Region I

Mr. Richard Stirling, Regional Program Director/ACYF, JFK Building, Room 2011, Boston, Massachusetts 02203, 617-223-6450

Region II

Mr. Dennis J. Coughlin, Regional Program Director/ACYF, Federal Building, 26 Federal Plaza, New York, New York 10278, 212-264-2974.

Region III

Mr. Alvin Pearis, Regional Program Director/ACYF, Box 13716, 3535

Market Street, Philadelphia, Pennsylvania 19101, 215-596-0356

Region IV

Mr. John Jordan, Regional Program Director/ACYF, 101 Marietta Tower, Atlanta, Georgia 30323, 404-221-2134

Region V

Mr. German White, Regional Program Director/ACYF, 300 South Wacker Drive, 29th Floor, Chicago, Illinois 60606, 312-353-6503

Region VI

Mr. Tommy Sullivan, Regional Program Director/ACYF, 1200 Main Tower Building, Dallas, Texas 75202, 214-767-2976

Region VII

Mr. Hilton Baines, Regional Program Director/ACYF, 601 E. 12th Street, Kansas City, Missouri 64106, 816-374-5401

Region VIII

Mr. David Chapa, Regional Program Director/ACYF, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294, 303-844-3106

Region IX

Mr. Roy Fleischer, Regional Program Director/ACYF, 50 United Nations Plaza, San Francisco, California 94102, 415-556-6153

Region X

Mr. William Hayden, Regional Program Director/ACYF, Mail Stop 813, 1321 Second Avenue, Seattle, Washington 98101, 206-442-0838

[FR Doc. 15163 Filed 7-3-86; 8:45 am]

BILLING CODE 4130-01-M

What is the purpose of this study? The purpose of this study is to investigate the effects of the proposed changes on the system's performance.

What are the key findings? The key findings of this study are that the proposed changes have a significant positive impact on the system's performance, particularly in terms of efficiency and cost reduction.

What are the limitations of the study? The limitations of this study include the limited sample size and the lack of long-term data, which may affect the generalizability of the findings.

What are the implications for practice? The implications for practice are that the proposed changes should be implemented as soon as possible to achieve the desired improvements in system performance.

What are the future research directions? Future research directions include conducting a larger-scale study and exploring the long-term effects of the proposed changes on the system's performance.

What are the conclusions? The conclusions of this study are that the proposed changes are effective in improving the system's performance and that further research is needed to confirm these findings.

What are the acknowledgments? The authors would like to thank the following individuals and organizations for their support and assistance during the course of this study.

What are the references? The references listed in this study are as follows:

What is the purpose of this study? The purpose of this study is to investigate the effects of the proposed changes on the system's performance.

What are the key findings? The key findings of this study are that the proposed changes have a significant positive impact on the system's performance, particularly in terms of efficiency and cost reduction.

What are the limitations of the study? The limitations of this study include the limited sample size and the lack of long-term data, which may affect the generalizability of the findings.

What are the implications for practice? The implications for practice are that the proposed changes should be implemented as soon as possible to achieve the desired improvements in system performance.

What are the future research directions? Future research directions include conducting a larger-scale study and exploring the long-term effects of the proposed changes on the system's performance.

What are the conclusions? The conclusions of this study are that the proposed changes are effective in improving the system's performance and that further research is needed to confirm these findings.

What are the acknowledgments? The authors would like to thank the following individuals and organizations for their support and assistance during the course of this study.

What are the references? The references listed in this study are as follows:

What is the purpose of this study? The purpose of this study is to investigate the effects of the proposed changes on the system's performance.

What are the key findings? The key findings of this study are that the proposed changes have a significant positive impact on the system's performance, particularly in terms of efficiency and cost reduction.

What are the limitations of the study? The limitations of this study include the limited sample size and the lack of long-term data, which may affect the generalizability of the findings.

What are the implications for practice? The implications for practice are that the proposed changes should be implemented as soon as possible to achieve the desired improvements in system performance.

What are the future research directions? Future research directions include conducting a larger-scale study and exploring the long-term effects of the proposed changes on the system's performance.

What are the conclusions? The conclusions of this study are that the proposed changes are effective in improving the system's performance and that further research is needed to confirm these findings.

What are the acknowledgments? The authors would like to thank the following individuals and organizations for their support and assistance during the course of this study.

What are the references? The references listed in this study are as follows:

Reader Aids

Federal Register

Vol. 51, No. 129

Monday, July 7, 1986

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230
------	----------

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230
---------------------------------	----------

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JULY

23719-24132	1
24133-24294	2
24295-24506	3
24507-24640	7

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
5507	24295
5508	24297
5509	24507
5510	24509

Executive Orders:

10621 (Amended by EO 12561)	24299
11294 (Revoked by EO 12561)	24299
12561	24299

5 CFR

950	24133
Proposed Rules:	
890	23782

7 CFR

250	23719
354	24511
1901	24301

Proposed Rules:

400	23782
810	24532
910	24355
1864	24356
1900	24356
1903	24356
1944	24356
1951	24356
1955	24356
1956	24356
1962	24356
1965	24356

8 CFR

Proposed Rules:	
212	24533
214	24533

9 CFR

78	24133
94	23730
113	23731
Proposed Rules:	
92	24154

10 CFR

Proposed Rules:	
2	24365
51	24078
171	24078

12 CFR

346	24302
-----	-------

13 CFR

302	24302, 24512
304	24512
305	24512

309	24303
310	24516

14 CFR

39	23731-23733, 24134
71	23734, 24104, 24516
75	23735

Proposed Rules:

39	23786, 23787
71	23789

15 CFR

373	24135
-----	-------

Proposed Rules:

376	24533
385	24533

16 CFR

13	24136
305	24137
444	24304

Proposed Rules:

307	24375
-----	-------

17 CFR

Proposed Rules:	
Ch. II	24155

18 CFR

11	24308
13	24308
375	24308

19 CFR

4	24322
24	24323
142	23736

Proposed Rules:

19	24535
144	24535
191	24536

20 CFR

655	24138
-----	-------

21 CFR

74	24517, 24519
81	24519
82	24517, 24519
211	24476
310	24476
314	24476
520	24524
522	24141, 24524
558	23736

24 CFR

215	24324
236	24324
812	24324
813	24324

882.....	24324
886.....	24324
Proposed Rules:	
35.....	24112
200.....	24112
881.....	24112
882.....	24112
886.....	24112

26 CFR

1.....	23737
602.....	23737

Proposed Rules:

1.....	23790, 24162
3.....	24162
5f.....	24162
6a.....	24162
25.....	24162
514.....	24162

27 CFR

9.....	24142
--------	-------

Proposed Rules:

200.....	24383
----------	-------

28 CFR

Proposed Rules:

64.....	24163
---------	-------

29 CFR

Ch. XVII.....	24525
102.....	23744
1910.....	24324
2615.....	24145

Proposed Rules:

2200.....	24386
2670.....	24536
2675.....	24536

30 CFR

906.....	23750
----------	-------

Proposed Rules:

75.....	24387
800.....	23790, 24547
914.....	24387, 24388
917.....	24390

31 CFR

315.....	23752
332.....	23752
352.....	23752
353.....	23752

32 CFR

54.....	23754
155.....	23757
199.....	24008
728.....	23972

33 CFR

100.....	24528
----------	-------

34 CFR

30.....	24095
---------	-------

Proposed Rule:

30.....	24092
---------	-------

39 CFR

3001.....	24529
-----------	-------

Proposed Rules:

10.....	24391
---------	-------

40 CFR

16.....	24145
---------	-------

52.....	23758
86.....	24325, 24606
141.....	24328
261.....	24496
403.....	23759

Proposed Rules:

50.....	24392
52.....	24163, 24393
60.....	24164, 24170
86.....	24614
153.....	24393
166.....	24393
271.....	24549
721.....	24551, 24555

41 CFR

101-40.....	24329
101-47.....	23760

42 CFR

405.....	24484
420.....	24484
442.....	24484
447.....	24484
489.....	24484

Proposed Rules:

405.....	23792
----------	-------

43 CFR

431.....	23960, 24531
----------	--------------

44 CFR

14.....	24346
---------	-------

Proposed Rules:

67.....	24396
---------	-------

45 CFR

1611.....	24151
-----------	-------

Proposed Rules:

96.....	24402
---------	-------

47 CFR

64.....	24350
73.....	23761-23764, 24151, 24351, 24352

Proposed Rules:

2.....	24409
64.....	24410
73.....	23795-23798, 24171- 24173, 24409-24413
95.....	24174

48 CFR

1822.....	23765
1852.....	23765

49 CFR

571.....	24152
----------	-------

Proposed Rules:

192.....	24174
393.....	24413
571.....	24176

50 CFR

17.....	23765, 23769
661.....	24352, 24353
672.....	24353

Proposed Rules:

14.....	24559
17.....	24178
20.....	24415
32.....	24179

246.....	24559
----------	-------

LIST OF PUBLIC LAWS

Last List July 3, 1986

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 4420/Pub. L. 99-348

Military Retirement Reform Act of 1986. (July 1, 1986; 100 Stat. 682; 28 pages) Price: \$1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is \$595.00 domestic, \$148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	\$5.50	Jan. 1, 1986
3 (1985 Compilation and Parts 100 and 101)	14.00	* Jan. 1, 1986
4	11.00	Jan. 1, 1986
5 Parts:		
1-199	18.00	Jan. 1, 1986
1200-End, 6 (6 Reserved)	6.50	Jan. 1, 1986
7 Parts:		
0-45	24.00	Jan. 1, 1986
46-51	16.00	Jan. 1, 1986
52	18.00	Jan. 1, 1986
53-209	14.00	Jan. 1, 1986
210-299	21.00	Jan. 1, 1986
300-399	11.00	Jan. 1, 1986
400-699	19.00	Jan. 1, 1986
700-899	17.00	Jan. 1, 1986
900-999	20.00	Jan. 1, 1986
1000-1059	12.00	Jan. 1, 1986
1060-1119	9.50	Jan. 1, 1986
1120-1199	8.50	Jan. 1, 1986
1200-1499	13.00	Jan. 1, 1986
1500-1899	7.00	Jan. 1, 1986
1900-1944	23.00	Jan. 1, 1986
1945-End	23.00	Jan. 1, 1986
8	7.00	Jan. 1, 1986
9 Parts:		
1-199	14.00	Jan. 1, 1986
200-End	14.00	Jan. 1, 1986
10 Parts:		
0-199	22.00	Jan. 1, 1986
200-399	13.00	Jan. 1, 1986
400-499	14.00	Jan. 1, 1986
500-End	23.00	Jan. 1, 1986
11	7.00	Jan. 1, 1986
12 Parts:		
1-199	8.50	Jan. 1, 1986
200-299	22.00	Jan. 1, 1986
300-499	13.00	Jan. 1, 1986
500-End	26.00	Jan. 1, 1986
13	19.00	Jan. 1, 1986
14 Parts:		
1-59	20.00	Jan. 1, 1986
60-139	19.00	Jan. 1, 1986
140-199	7.50	Jan. 1, 1986
200-1199	14.00	Jan. 1, 1986
1200-End	8.00	Jan. 1, 1986
15 Parts:		
0-299	7.00	Jan. 1, 1986
300-399	20.00	Jan. 1, 1986
400-End	15.00	Jan. 1, 1986

Title	Price	Revision Date
16 Parts:		
0-149	9.00	Jan. 1, 1986
150-999	10.00	Jan. 1, 1986
1000-End	18.00	Jan. 1, 1986
17 Parts:		
1-239	20.00	Apr. 1, 1985
240-End	14.00	Apr. 1, 1985
18 Parts:		
1-149	15.00	Apr. 1, 1986
150-399	19.00	Apr. 1, 1985
400-End	6.50	Apr. 1, 1986
19	21.00	Apr. 1, 1985
20 Parts:		
1-399	10.00	Apr. 1, 1986
400-499	22.00	Apr. 1, 1986
500-End	23.00	Apr. 1, 1986
21 Parts:		
1-99	12.00	Apr. 1, 1986
100-169	14.00	Apr. 1, 1986
170-199	16.00	Apr. 1, 1986
200-299	6.00	Apr. 1, 1986
300-499	25.00	Apr. 1, 1986
500-599	16.00	Apr. 1, 1985
600-799	7.50	Apr. 1, 1986
800-1299	13.00	Apr. 1, 1986
1300-End	5.50	Apr. 1, 1985
22	21.00	Apr. 1, 1985
23	17.00	Apr. 1, 1986
24 Parts:		
0-199	11.00	Apr. 1, 1985
*200-499	24.00	Apr. 1, 1986
500-699	8.50	Apr. 1, 1986
700-1699	17.00	Apr. 1, 1986
1700-End	12.00	Apr. 1, 1986
25	24.00	Apr. 1, 1986
26 Parts:		
§§ 1.0-1.169	29.00	Apr. 1, 1986
§§ 1.170-1.300	16.00	Apr. 1, 1986
§§ 1.301-1.400	13.00	Apr. 1, 1986
*§§ 1.401-1.500	20.00	Apr. 1, 1986
*§§ 1.501-1.640	15.00	Apr. 1, 1986
§§ 1.641-1.850	11.00	Apr. 1, 1985
§§ 1.851-1.1200	22.00	Apr. 1, 1985
§§ 1.1201-End	29.00	Apr. 1, 1986
2-29	19.00	Apr. 1, 1986
30-39	13.00	Apr. 1, 1986
40-299	18.00	Apr. 1, 1985
300-499	14.00	Apr. 1, 1986
500-599	8.00	Apr. 1, 1980
600-End	4.75	Apr. 1, 1986
27 Parts:		
1-199	18.00	Apr. 1, 1985
200-End	13.00	Apr. 1, 1985
28	16.00	July 1, 1985
29 Parts:		
0-99	11.00	July 1, 1985
100-499	5.00	July 1, 1985
500-899	19.00	July 1, 1985
900-1899	7.00	July 1, 1985
1900-1910	21.00	July 1, 1985
1911-1919	5.50	July 1, 1984
1920-End	20.00	July 1, 1985
30 Parts:		
0-199	16.00	July 1, 1985
200-699	6.00	July 1, 1985
700-End	13.00	July 1, 1985
31 Parts:		
0-199	8.50	July 1, 1985
200-End	11.00	July 1, 1985

Title	Price	Revision Date	Title	Price	Revision Date
32 Parts:			43 Parts:		
1-39, Vol. I.....	15.00	^a July 1, 1984	1-999.....	10.00	Oct. 1, 1985
1-39, Vol. II.....	19.00	^a July 1, 1984	1000-3999.....	18.00	Oct. 1, 1985
1-39, Vol. III.....	18.00	^a July 1, 1984	4000-End.....	8.50	Oct. 1, 1985
1-189.....	13.00	July 1, 1985	44.....	13.00	Oct. 1, 1985
190-399.....	16.00	July 1, 1985	45 Parts:		
400-629.....	15.00	July 1, 1985	1-199.....	10.00	Oct. 1, 1985
630-699.....	12.00	^a July 1, 1984	200-499.....	7.00	Oct. 1, 1985
700-799.....	15.00	July 1, 1985	500-1199.....	13.00	Oct. 1, 1985
800-999.....	7.50	July 1, 1985	1200-End.....	9.00	Oct. 1, 1985
1000-End.....	5.50	July 1, 1985	46 Parts:		
33 Parts:			1-40.....	10.00	Oct. 1, 1985
1-199.....	20.00	July 1, 1985	41-69.....	10.00	Oct. 1, 1985
200-End.....	14.00	July 1, 1985	70-89.....	5.50	Oct. 1, 1985
34 Parts:			90-139.....	9.00	Oct. 1, 1985
1-299.....	15.00	July 1, 1985	140-155.....	8.50	Oct. 1, 1985
300-399.....	8.50	July 1, 1985	156-165.....	10.00	Oct. 1, 1985
400-End.....	18.00	July 1, 1985	166-199.....	9.00	Oct. 1, 1985
35.....	7.00	July 1, 1985	200-499.....	15.00	Oct. 1, 1985
36 Parts:			500-End.....	7.50	Oct. 1, 1985
1-199.....	9.00	July 1, 1985	47 Parts:		
200-End.....	14.00	July 1, 1985	0-19.....	13.00	Oct. 1, 1985
37.....	9.00	July 1, 1985	20-69.....	21.00	Oct. 1, 1985
38 Parts:			70-79.....	13.00	Oct. 1, 1985
0-17.....	16.00	July 1, 1985	80-End.....	18.00	Oct. 1, 1985
18-End.....	11.00	July 1, 1985	48 Chapters:		
39.....	9.50	July 1, 1985	1 (Parts 1-51).....	16.00	Oct. 1, 1985
40 Parts:			1 (Parts 52-99).....	12.00	Oct. 1, 1985
1-51.....	16.00	July 1, 1985	2.....	15.00	Oct. 1, 1985
52.....	21.00	July 1, 1985	3-6.....	13.00	Oct. 1, 1985
53-80.....	23.00	July 1, 1985	7-14.....	17.00	Oct. 1, 1985
81-99.....	18.00	July 1, 1985	15-End.....	17.00	Oct. 1, 1985
100-149.....	18.00	July 1, 1985	49 Parts:		
150-189.....	13.00	July 1, 1985	1-99.....	7.00	Oct. 1, 1985
190-399.....	19.00	July 1, 1985	100-177.....	19.00	Nov. 1, 1985
400-424.....	14.00	July 1, 1985	178-199.....	15.00	Nov. 1, 1985
425-699.....	13.00	July 1, 1985	200-399.....	13.00	Oct. 1, 1985
700-End.....	8.00	July 1, 1985	400-999.....	16.00	Oct. 1, 1985
41 Chapters:			1000-1199.....	13.00	Oct. 1, 1985
1, 1-1 to 1-10.....	13.00	^a July 1, 1984	1200-1299.....	13.00	Oct. 1, 1985
1, 1-11 to Appendix, 2 (2 Reserved).....	13.00	^a July 1, 1984	1300-End.....	2.25	Oct. 1, 1985
3-6.....	14.00	^a July 1, 1984	50 Parts:		
7.....	6.00	^a July 1, 1984	1-199.....	11.00	Oct. 1, 1985
8.....	4.50	^a July 1, 1984	200-End.....	19.00	Oct. 1, 1985
9.....	13.00	^a July 1, 1984	CFR Index and Findings Aids.....	21.00	Jan. 1, 1986
10-17.....	9.50	^a July 1, 1984	Complete 1986 CFR set.....	595.00	1986
18, Vol. I, Parts 1-5.....	13.00	^a July 1, 1984	Microfiche CFR Edition:		
18, Vol. II, Parts 6-19.....	13.00	^a July 1, 1984	Complete set (one-time mailing).....	155.00	1983
18, Vol. III, Parts 20-52.....	13.00	^a July 1, 1984	Complete set (one-time mailing).....	125.00	1984
19-100.....	13.00	^a July 1, 1984	Subscription (mailed as issued).....	185.00	1986
1-100.....	7.50	July 1, 1985	Individual copies.....	3.75	1986
101.....	19.00	July 1, 1985	^a No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1985. The CFR volume issued as of Apr. 1, 1980, should be retained.		
102-200.....	8.50	July 1, 1985	^a No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1985. The CFR volume issued as of July 1, 1984, should be retained.		
201-End.....	5.50	July 1, 1985	^a The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.		
42 Parts:			^a The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.		
1-60.....	12.00	Oct. 1, 1985	^a Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.		
61-399.....	7.00	Oct. 1, 1985			
400-429.....	16.00	Oct. 1, 1985			
430-End.....	11.00	Oct. 1, 1985			

1-18-55
Vol. 21, No. 130
Pages 2411-2420

THE JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
PART 1
1955